LAWYERS FOR CLEAN WATER INC

JAN 29 2016

VIA U.S. MAIL

January 21, 2016

Gina McCarthy, Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Jared Blumenfeld
Regional Administrator
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Loretta Lynch, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Dear Sir or Madam,

Pursuant to 40 C.F.R. § 135.4, please find enclosed the Complaint for Declaratory and Injunctive Relief and Civil Penalties for the following case:

Santa Barbara Channelkeeper v County of Santa Barbara Case No. 2:15-cv-09758-BRO-E.

This complaint was filed on December 18, 2015.

Sincerely,

Layne Friedrich
Lawyers for Clean Water, Inc.
Attorneys for Plaintiff

Enclosure

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SANTA BARBARA CHANNELKEEPER

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SANTA BARBARA CHANNELKEEPER, a California non-profit corporation;

Plaintiff,

vs.

COUNTY OF SANTA BARBARA, a municipal corporation

Defendant.

Civil Case No.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND CIVIL PENALTIES

(Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*)

Santa Barbara Channelkeeper ("Plaintiff" or "Channelkeeper") by and through its counsel, hereby alleges:

I. JURISDICTION AND VENUE

1. This is a civil suit brought under the citizen suit enforcement provision of the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.* ("Clean Water Act" or "CWA"). *See* 33 U.S.C. § 1365. This Court has subject matter jurisdiction over the parties and this action pursuant to 33 U.S.C. § 1365(a)(1) and 28 U.S.C. §§ 1331 and 2201 (an action for declaratory and injunctive relief arising under the Constitution and laws of the United States).

2. On October 8, 2015, Channelkeeper issued a sixty (60) day notice of intent to sue letter (hereinafter "Notice Letter") to the County of Santa Barbara ("Defendant" or "County") for its violations of California's General Permit for Discharges of Storm Water Associated with Industrial Activities (*National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, State Water Resources Control Board Water Quality Order No. 92-12-DWQ, reissued by Order No. 97-03-DWQ an by Order 2014-0057-DWQ*) (hereinafter "Storm Water Permit")[1] and the Clean Water Act. The Notice Letter informed the County of Channelkeeper's intent to file suit against it to enforce the Storm Water Permit and the Clean Water Act.

3. The Notice Letter was sent to the Administrator of the United States Environmental Protection Agency ("EPA"), the Administrator of EPA Region IX, the Executive Director of the State Water Resources Control Board ("State Board"), and the Executive Officer of the Regional Water Quality Control Board, Central Valley Region ("Regional Board"), as required by 40 C.F.R. § 135.2(a)(1). The Notice Letter is attached hereto as Exhibit B and is incorporated herein by reference.

[1] The Storm Water Permit reissued by Order 2014-0057-DWQ took effect on July 1, 2015. Citations to the Storm Water Permit reissued by Order No. 97-03-DWQ are designated as "1997 Permit" and citations to the Storm Water Permit reissued by Order 2014-0057-DWQ are designated as "2015 Permit."

4. More than sixty (60) days have passed since the Notice Letter was served on the Defendant and the State and Federal agencies. Channelkeeper is informed and believes, and thereon alleges, that neither the EPA nor the State of California has commenced or is diligently prosecuting an action to redress the violations alleged in this complaint. *See* 33 U.S.C. § 1365(b)(1)(B). This action is not barred by any prior administrative penalty under Section 309(g) of the CWA. 33 U.S.C. § 1319(g).

5. This complaint seeks relief for Defendant's substantive and procedural violations of the Storm Water Permit and the Clean Water Act resulting from Defendant's operations at 4430 Calle Real in Santa Barbara, California (hereinafter "County Transfer Station" or "Facility").

6. Venue is proper in the Central District of California pursuant to Section 505(c)(1) of the CWA, 33 U.S.C. § 1365(c)(1) because the sources of the violations are located within this judicial district.

II. INTRODUCTION

7. With every rainfall event, hundreds of millions of gallons of polluted rainwater, originating from industrial operations such as the County Transfer Station, pour into the storm drains and local waterways. The consensus among regulatory agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering marine and river environments each year. These surface waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically diminished once-abundant and varied fisheries, these waters are still essential habitat for dozens of fish and bird species as well as macro-invertebrate and invertebrate species.

8. Storm water and non-storm water contains sediment (suspended solids), human and animal waste, acidic or basic materials, heavy metals, such as aluminum, chromium, copper, lead, mercury, nickel, tin, and zinc, as well as high concentrations of nitrate and nitrite, and other pollutants. Exposure to polluted storm water harms the special aesthetic and recreational significance that the surface waters have for people in

the surrounding communities. The public's use of the surface waters exposes many people to toxic metals and other contaminants in storm water and non-storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the surface waters.

9. High concentrations of total suspended solids ("TSS") degrade optical water quality by reducing water clarity and decreasing light available to support photosynthesis. Deposited solids alter fish habitat, aquatic plants, and benthic organisms. TSS can also be harmful to aquatic life because numerous pollutants, including metals and polycyclic aromatic hydrocarbons ("PAHs"), are absorbed onto TSS. Higher concentrations of TSS results in higher concentrations of toxins associated with those sediments. Inorganic sediments, including settleable matter and suspended solids, have been shown to negatively impact species richness, diversity, and total biomass of filter feeding aquatic organisms on bottom surfaces.

10. Storm water conveying human and animal waste carries viruses and pathogens that pose health risks for humans and wildlife in contact with receiving waters contaminated by those pollutants. Human and animal wastes also contribute to nutrient loads in receiving waters, causing algae blooms and lowering dissolved oxygen.

11. Storm water discharged with high pH can damages the gills and skin of aquatic organisms and causes death at levels above 10 standard units. The pH scale is logarithmic and the solubility of a substance varies as a function of the pH of a solution. A one whole unit change in a standard unit represents a tenfold increase or decrease in ion concentration. If the pH of water is too high or too low, the aquatic organisms living within it will become stressed or die.

12. This complaint seeks a declaratory judgment, injunctive relief, the imposition of civil penalties, and the award of litigation costs, for Defendant's substantive and procedural violations of the Storm Water Permit and the Clean Water Act resulting from Defendant's operations at the County Transfer Station.

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III. PARTIES

A. Santa Barbara Channelkeeper.

13. Santa Barbara Channelkeeper is a 501(c)(3) non-profit public benefit corporation whose mission is to protect and enhance the water quality of the Santa Barbara Channel and its tributaries for the benefit of its ecosystems and the surrounding human communities.

14. Channelkeeper accomplishes its mission through science-based advocacy, education, field work, and enforcement of environmental laws. Specifically, Channelkeeper and its members: (a) monitor and participate in the activities of local, state, and federal agencies, ranging from individual discharge permitting and enforcement efforts to the development of policies and programs affecting local pollution issues; (b) monitor the Santa Barbara Channel and its tributaries through its network of member volunteers to identify illegal sources of pollution; (c) investigate and report illegal discharges identified through monitoring or through examination and analysis of self-monitoring reports of discharges into local waterways; and (d) actively support, and when necessary supplement through citizen suits, the effective enforcement of the Clean Water Act by federal and state agencies. Channelkeeper and its members also play an important role in contributing to the health of the Santa Barbara Channel through a variety of programs, including river monitoring and scientific data collection.

15. When necessary, Channelkeeper directly initiates enforcement actions on behalf of itself and its members to protect public trust resources.

16. Channelkeeper's office is located at 714 Bond Avenue in Santa Barbara, California, 93103.

17. Members of Channelkeeper sail, swim, surf, kayak, dive, picnic, fish, hike, and enjoy the wildlife in and around the waters that receive the polluted discharges from the Facility including Atascadero Creek, the Goleta Slough and Goleta Beach, their tributaries, and the Pacific Ocean.

18. The unlawful discharge of pollutants from the County Transfer Station

impairs each of these uses. Further, the Facility's discharges of polluted storm water are ongoing and continuous. As a result, Channelkeeper's members' use and enjoyment of Goleta Beach and its tributaries has been and continues to be adversely impacted.

19. Thus, the interests of members have been, are being, and will continue to be adversely affected by the failure of the County to comply with the Storm Water Permit and the Clean Water Act.

B. The Owner and Operator of the County Transfer Station.

20. The County of Santa Barbara is a California municipality incorporated under the laws of California.

21. Channelkeeper is informed and believes, and thereon alleges, that the County of Santa Barbara has been an owner of the Facility since at least 2006.

22. Channelkeeper is informed and believes, and thereon alleges, that the County of Santa Barbara has been an operator of the Facility since at least 2006.

IV. LEGAL BACKGROUND

A. The Clean Water Act.

23. Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), requires point source discharges of pollutants to navigable waters be regulated by an NPDES permit. 33 U.S.C. § 1311(a); *see* 40 C.F.R. § 122.26(c)(1). Among other things, section 301(a) prohibits discharges not authorized by, or in violation of, the terms of a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to section 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342(b).

24. Section 402(p) of the CWA establishes a framework for regulating municipal and industrial storm water discharges under the NPDES program. 33 U.S.C. § 1342(p). Section 402(b) of the Clean Water Act allows each state to administer its own EPA-approved NPDES permit program for regulating the discharge of pollutants, including discharges of polluted storm water. *See* 33 U.S.C. § 1342(b).

25. States with approved NPDES permit programs are authorized by Section 402(p) to regulate industrial storm water discharges through individual permits issued to

dischargers and/or through the issuance of a single, statewide general permit applicable to all industrial storm water dischargers. 33 U.S.C. § 1342. California is a state authorized by EPA to issue NPDES permits.

26. "Waters of the United States" are defined as "navigable waters," and "all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide." 33 U.S.C. § 1362(7).

27. The EPA promulgated regulations defining "waters of the United States." *See* 40 C.F.R. § 122.2. The EPA interprets waters of the United States to include not only traditionally navigable waters, but also other waters, including waters tributary to navigable waters, wetlands adjacent to navigable waters, and intermittent streams that could affect interstate commerce.

28. The Clean Water Act confers jurisdiction over non-navigable waters that are tributaries to traditionally navigable waters where the non-navigable water at issue has a significant nexus to the navigable water. *See Rapanos v. United States*, 547 U.S. 715 (2006); *see also N. Cal. River Watch v. City of Healdsburg*, 496 F.3d 993 (9th Cir. 2007).

29. A significant nexus is established if the "[receiving waters], either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical, and biological integrity of other covered waters." *Rapanos*, 547 U.S. at 779; *N. Cal. River Watch*, 496 F.3d at 999-1000.

30. A significant nexus is also established if waters that are tributary to navigable waters have flood control properties, including functions such as the reduction of flow, pollutant trapping, and nutrient recycling. *Rapanos*, 547 U.S. at 782; *N. Cal. River Watch*, 496 F.3d at 1000-1001.

31. Section 505(a)(1) of the Clean Water Act provides for citizen enforcement actions against any "person" who is alleged to be in violation of an "effluent standard or limitation . . . or an order issued by the Administrator or a State with respect to such a standard or limitation." *See* 33 U.S.C. §§ 1365(a)(i) and 1365(f).

32. The County is a "person" within the meaning of Section 502(5) of the Clean Water Act. *See* 33 U.S.C. § 1362(5).

33. An action for injunctive relief is authorized under Section 505(a) of the Clean Water Act. *See* 33 U.S.C. § 1365(a).

34. Each separate violation of the Clean Water Act subjects the violator to a penalty of up to $37,500 per day. *See* 33 U.S.C. §§ 1319(d) and 1365(a); 40 C.F.R. § 19.4 (Adjustment of Civil Monetary Penalties for Inflation).

35. Section 505(d) of the Clean Water Act allows prevailing or substantially prevailing parties to recover litigation costs, including attorneys' fees, experts' fees, and consultants' fees. *See* 33 U.S.C. § 1365(d).

B. California's General Permit for Discharges of Storm Water Associated with Industrial Activities.

36. In California, the State Board is charged with regulating pollutants to protect California's water resources. *See* Cal. Water Code § 13001.

37. The Storm Water Permit is a statewide general NPDES permit issued by the State Board pursuant to the Clean Water Act. Violations of the Storm Water Permit are violations of the Clean Water Act. 1997 Permit, Section C(1); 2015 Permit, Section XXI(A).

38. California's NPDES Permit No. CAS000001 was first issued in 1992, reissued in 1997, and most recently in 2015. The 2015 Permit became effective on July 1, 2015 and superseded the 1997 Permit except for enforcement purposes. *See* 2015 Permit, Findings, ¶ 6. The substantive requirements of the 2015 Permit are the same or more stringent than the requirements of 1997 Permit.

39. In order to discharge storm water lawfully in California, industrial dischargers are required to apply for coverage under the Storm Water Permit by submitting a Notice of Intent to Comply with the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity ("NOI") to the State Board. *See* 1997 Permit, Provision E(1), Findings, ¶ 3; 2015 Permit, Section II(B)(1)(a).

C. The Storm Water Permit's Effluent Limitations.

40. Effluent Limitation (B)(3) of the 1997 Permit and Effluent Limitation V(A) of the 2015 Permit require permittees to reduce or prevent pollutants in storm water discharges through the implementation of Best Available Technology Economically Achievable ("BAT") for toxic or non-conventional pollutants, and Best Conventional Pollutant Control Technology ("BCT") for conventional pollutants. Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others. Conventional pollutants are listed at 40 C.F.R. § 401.16 and include biological oxygen demand ("BOD"), total suspended solids ("TSS"), oil and grease ("O&G"), pH, and fecal coliform.

41. Under the CWA and the Storm Water Permit, dischargers must employ Best Management Practices ("BMPs") that constitute BAT/BCT to reduce or eliminate storm water pollution. 33 U.S.C. § 1311(b); 1997 Permit, Effluent Limitation B(3); 2015 Permit, Effluent Limitation V(A).

42. EPA has developed numeric benchmark levels ("Benchmark Levels") that are objective guidelines to evaluate whether a permittee's BMPs are successfully developed and/or implemented. *See* Final National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Industrial Activities ("Multi-Sector Permit"), 80 Fed. Reg. 34,403, 34,405 (June 16, 2015); Multi-Sector Permit, 73 Fed. Reg. 56,572, 56,574 (Sept. 29, 2008; Multi-Sector Permit, 65 Fed. Reg. 64,746, 64,766-67 (Oct. 30, 2000).

43. Discharges from an industrial facility containing pollutant concentrations that exceed Benchmark Levels indicate that the facility has not developed and/or implemented BMPs that meet BAT for toxic pollutants and/or BCT for conventional pollutants. *Id.*

D. The Storm Water Permit's Receiving Water Limitations.

44. Receiving Water Limitation C(1) of the 1997 Permit and Receiving Water Limitation VI(B) of the 2015 Permit prohibit storm water discharges from adversely

impacting human health or the environment.

45. Storm water discharges with pollutant concentrations that exceed levels known to adversely impact aquatic species and the environment are violations of the Storm Water Permit's Receiving Water Limitation.

46. Receiving Water Limitation C(2) of the 1997 Permit and Receiving Water Limitation VI(B) of the 2015 Permit prohibit storm water discharges that cause or contribute to an exceedance of any applicable water quality standards in a state or regional water quality control plan.

47. Water quality standards ("WQS") are pollutant concentration levels determined by the State Board, the various Regional Boards, and the EPA to be protective of the beneficial uses of the waters that receive polluted discharges.

48. The State of California regulates water quality through the State Board and the nine Regional Boards. Each Regional Board maintains a separate Water Quality Control Plan, which contains WQS for water bodies within its geographic area.

49. The Water Quality Control Plan for the Central Coast Basin ("Basin Plan") identifies the beneficial uses of water bodies in the region. The Beneficial Uses for the Atascadero Creek include: municipal and domestic supply (MUN), Agricultural Supply (AGR), Ground Water Recharge (GWR), water contact recreation (REC 1), non-contact water recreation (REC 2), wildlife habitat (WILD), Cold Fresh Water Habitat (COLD), Spawning, Reproduction, and/or Early Development (SPWN), Rare, Threatened or Endangered Species (RARE), and Commercial and Sport Fishing (COMM). *See* Basin Plan, Table 2-1.

50. The Goleta Slough's listed beneficial uses are water contact recreation (REC 1), non-contact water recreation (REC 2), wildlife habitat (WILD), warm freshwater habitat (WARM), Migration of Aquatic Organisms (MIGR), Spawning, Reproduction, and/or Early Development (SPWN) preservation of biological habitats of special significance (BIOL), Rare, Threatened or Endangered Species (RARE), estuarine habitat (EST), Commercial and Sport Fishing (COMM), and shellfish harvesting (SHELL). *Id.*

51. Surface waters that cannot support the beneficial uses of those waters listed in the Basin Plan are designated as impaired water bodies pursuant to section 303(d) of the Clean Water Act. The State of California has listed Atascadero Creek as impaired for Chloride, Enterococcus, Escherichia coli (E. coli), fecal coliform, low dissolved oxygen, sodium, temperature, and pH.[2] The Goleta Slough is 303(d) listed for pathogens and priority organics. The Pacific Ocean at Goleta Beach is 303(d) listed for total coliform.

52. Polluted discharges from the County Transfer Station contribute to the ongoing degradation of these already impaired surface waters and of the ecosystems that depend on them.

53. Discharges of pollutants at levels above WQS contribute to the impairment of the beneficial uses of the waters receiving the discharges in violation of the Storm Water Permit.

54. The Basin Plan sets forth, among other things, narrative WQS for floating material, oil and grease, sediment, settleable matter, and temperature, among others. *See* Basin Plan, Section II(A)(2)(a).

55. In addition, EPA has promulgated WQS for toxic priority pollutants in California waterbodies ("California Toxics Rule" or "CTR")[3] that are applicable to dischargers covered by the Storm Water Permit.

56. The CTR includes numeric criteria set to protect human health and the environment in the State of California. Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California Factsheet, EPA-823-00-008 (April 2000), available at: http://water.epa.gov/lawsregs/rulesregs/ctr/factsheet.cfm.

57. Thus, applicable WQS include, but are not limited to, those set out in the

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[2] 2010 Integrated Report – All Assessed Waters, available at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml (last accessed on April 8, 2015).

[3] Criteria for Priority Toxic Pollutants for the State of California ("CTR"), 40 C.F.R. § 131.38

Basin Plan and the CTR.

E. The Storm Water Permit's Storm Water Pollution Prevention Plan Requirements.

58. Permittees must develop and implement a Storm Water Pollution Prevention Plan ("SWPPP") that meets all the requirements of the Storm Water Permit. *See* 1997 Permit, Section A(1)-A(10); 2015 Permit, Section X(A)-X(H). The objective of the SWPPP requirements are to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. *See* 1997 Permit, Section A(2); 2015 Permit, Section X(C).

59. The SWPPP must also include, among other things, a narrative description and summary of all industrial activity, potential sources of pollutants, and potential pollutants; a site map indicating the storm water conveyance system, associated points of discharge, direction of flow, areas of actual and potential pollutant contact, including the extent of pollution-generating activities, nearby water bodies, and pollutants control measures; a description of the BMPs developed and implemented to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges necessary to comply with the Storm Water Permit; the identification and elimination of non-storm water discharges; the location where significant materials are being shipped, stored, received, and handled, as well as the typical quantities of such materials and the frequency with which they are handled; a description of dust and particulate-generating activities, and; the identification of individuals and their current responsibilities for developing and implementing the SWPPP. 1997 Permit, Section A(1)-(10); 2015 Permit, Section X(A)-(H).

60. The Storm Water Permit requires the discharger to evaluate the SWPPP on an annual basis and revise it as necessary to ensure compliance with the Storm Water Permit. 1997 Permit, Section A(9); 2015 Permit, Section X(A)-(B). The Storm Water

Permit also requires that the discharger conduct an annual comprehensive site compliance evaluation that includes a review of all visual observation records, inspection reports and sampling and analysis results, a visual inspection of all potential pollutant sources for evidence of, or the potential for, pollutants entering the drainage system, a review and evaluation of all BMPs to determine whether the BMPs are adequate, properly implemented and maintained, or whether additional BMPs are needed, and a visual inspection of equipment needed to implement the SWPPP. 1997 Permit, Sections A(9)-(10); 2015 Permit, Section X(B) and Section XV.

F. The Storm Water Permit's Monitoring Requirements.

61. Dischargers must develop and implement a Monitoring and Reporting Program ("M&RP") that complies with all the requirements of the Storm Water Permit. *See* 1997 Permit, Section B; 2015 Permit, Sections X(I) and XI(A)-XI(D).

62. The objective of the M&RP is to detect and measure the concentrations of pollutants in a facility's discharge, and to ensure compliance with the Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* 1997 Permit, Section B(2); 2015 Permit, Section XI. An adequate M&RP ensures that BMPs are effectively reducing and/or eliminating pollutants at the facility, and is evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *See id.*

i. Visual Observations.

63. Section B(4) of the 1997 Permit requires dischargers to conduct visual observations of storm water discharges at all discharge locations within the first hour of discharge from one storm event per month during the Wet Season.[4] Section XI(A) of the 2015 Permit requires visual observations at least once each month, and at the same time sampling occurs at a discharge location.

64. Observations must document the presence of any floating and suspended

[4] Wet Season is defined as October 1 through May 30. *See* 1997 Permit, Section B(4)(a).

material, O&G, discolorations, turbidity, odor and the source of any pollutants. 1997 Permit, Section B(4)(c); 2015 Permit, Section XI(A)(2).

65. Dischargers must document and maintain records of observations, observation dates, locations observed, and responses taken to reduce or prevent pollutants in storm water discharges. 1997 Permit, Section B(4)(c); 2015 Permit, Section XI(A)(3).

ii. Sample Collection.

66. Section B(5)(a) of the 1997 Permit requires permittees to collect storm water discharge samples from a qualifying rain event,[5] as follows: 1) from all discharge locations, 2) during the first hour of discharge, 3) from the first storm event of the Wet Season, and 4) from at least one other storm event in the Wet Season. Section XI(B)(1-5) of the 2015 Permit requires permittees to collect storm water discharge samples from a qualifying storm event[6] as follows: 1) from each discharge location, 2) from two storm events within the first half of each reporting year[7] (July 1 to December 31), 3) from two storm events within the second half of each reporting year (January 1 to June 30), and 4) within four hours of the start of a discharge, or the start of facility operations if the qualifying storm event occurs within the previous 12-hour period.

iii. Sample Analysis.

67. Section B(5)(c)(i) of the 1997 Permit requires dischargers to analyze each sample for pH, specific conductance ("SC"), TSS, and total organic carbon ("TOC"). A discharger may substitute analysis for O&G instead of TOC. Section XI(B)(6)(a)-(b) of the 2015 Permit requires permittees to analyze samples for TSS, O&G, and pH.

68. Section B(5)(c)(ii) of the 1997 Permit requires dischargers to analyze each sample for toxic chemicals and other pollutants likely to be present in significant quantities in the storm water discharged from a facility. Section XI(B)(6)(c) of the 2015

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[5] A qualifying rain event is one where discharges occur during scheduled facility operating hours and are proceeded by at least three working days without storm water discharges. 1997 Permit, Section B(5)(b).

[6] The 2015 Permit defines a qualifying storm event as one that produces a discharge for at least one drainage area, and is preceded by 48-hours with no discharge from any drainage areas. 2015 Permit, Section XI(B)(1).

[7] A reporting year is defined as July 1 through June 30. 2015 Permit, Findings at ¶ 62(b).

Permit requires permittees to analyze samples for pollutants associated with industrial operations.

69. Section B(5)(c)(iii) of the 1997 Permit requires facilities classified as Standard Industrial Classification ("SIC") code 5093 to analyze samples for iron, lead, copper, zinc, Chemical Oxygen Demand ("COD"), and aluminum. *See id.* at Table D. Section XI(B)(6)(d) of the 2015 Permit requires facilities with SIC code 5093 to analyze samples for iron, lead, aluminum, zinc, and COD. *See id.* at Table 1.

70. Section B(5)(c)(iii) of the 1997 Permit requires facilities classified as SIC code 4953 to analyze samples for NH_3, magnesium, COD, arsenic, cyanide, copernicium, lead, mercury, selenium and silver. *See id.* at Table D. Section XI(B)(6)(d) of the 2015 Permit requires facilities with SIC code 4953 to analyze samples for NH_3, magnesium, COD, arsenic, cyanide, copernicium, lead, mercury, selenium and silver. *See id.* at Table 1.

71. Section XI(B)(6) of the 2015 Permit requires dischargers to analyze storm water samples for additional applicable industrial parameters related to receiving waters with 303(d) listed impairments, or approved Total Maximum Daily Loads.

72. Section XI(B)(6)(e) of the 2015 Storm Water Permit requires permittees that discharge into a 303(d) listed waterbody to analyze samples for parameters that the waterbody is listed as impaired for. *See also* 2015 Permit, Fact Sheet, ¶ 7. Atascadero Creek is on the 303(d) list of impaired waterbodies for chloride, dissolved oxygen, E.coli, enterococcus, fecal coliform, sodium, and temperature, requiring the County analyze its storm water samples for these pollutants. *See* 2015 Permit, Appendix 3, excel attachment.

G. The Storm Water Permit's Reporting Requirements.

73. Section B(14) of the 1997 Permit requires that dischargers submit an Annual Report to the applicable Regional Board by July 1 of each year. The Annual Report must include a summary of visual observations and sampling results, an evaluation of the visual observations and sampling and analysis results, laboratory reports of sample analysis, the annual comprehensive site compliance evaluation report specified in Section

A(9), an explanation of why a facility did not implement any activities required, and other records specified in Section B(13)(i).

74. Section XVI of the 2015 requires dischargers to submit an Annual Report by July 15 that includes a compliance checklist indicating whether a discharger complies with all applicable requirements, an explanation for any non-compliance within the reporting year, the identification of SWPPP revisions including page numbers and/or sections, and the date(s) of the annual evaluation.

V. FACTUAL BACKGROUND

A. Defendant's Coverage Under the Storm Water Permit.

75. Channelkeeper is informed and believes, and thereon alleges, that the County submitted an NOI for coverage under the 1997 Permit.

76. Channelkeeper is informed and believes, and thereon alleges, that the County submitted a NOI for coverage under the 2015 Permit.

77. Channelkeeper is informed and believes, and thereon alleges, that the NOI submitted for coverage under the 1997 Permit and the 2015 Permit list "Hospital Creek tributary to Atascadero Creek" as the receiving water.

78. Channelkeeper is informed and believes, and thereon alleges, that the State Board assigned the County Waste Discharge Identification ("WDID") number "*3 42I002681.*"

79. The County's NOI for coverage under the 1997 Permit, and the NOI for coverage under the 2015 Permit lists the SIC code of regulated activities at the Facility as 4212 (Local Trucking Without Storage) and 5093 (Scrap and Waste Materials).

80. Industrial operations falling under SIC code 5093 require Storm Water Permit coverage for the entire facility. Facilities identified under SIC code 4212 must obtain coverage for "the portions of the facility involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication)." 1997 Permit, Attachment 1; 2015 Permit, Attachment A.

81. Channelkeeper is informed and believes, and thereon alleges, that industrial

activities that occur throughout the Facility involve vehicle maintenance, vehicle rehabilitation, repairs, painting, fueling, and lubrication and therefore Storm Water Permit coverage for SIC code 412 is required for the entire Facility.

82. Via a Public Records Act request to the Regional Board, Channelkeeper obtained a SWPPP for the Facility dated "2014" and signed by Nina Danza on January 8, 2014." Channelkeeper refers to this SWPPP as "the 2014 SWPPP."

83. Via a search of the SMARTS database, Channelkeeper obtained a SWPPP for the Facility dated "July 2015" and signed by Nina Danza on June 25, 2015. Channelkeeper refers to this SWPPP as "the 2015 SWPPP." Unless otherwise indicated, Channelkeeper refers to these documents as the "County Transfer Station SWPPPs."

84. Channelkeeper is informed and believes, and thereon alleges, that the County Transfer Station SWPPPs are SWPPPs for the Facility, and that the 2015 SWPPP is the current SWPPP for the Facility.

85. In the SWPPPs, the County identifies hazardous waste storage activities on site. *See* SWPPPs, Section 4.4.

86. Channelkeeper is informed and believes, and thereon alleges, that the SIC code of regulated activities at the County Transfer Station also includes 4953: Hazardous Waste Treatment Storage or Disposal.

B. Facility Site Description.

87. The County Transfer Station is a municipal solid waste transfer and recycling station. According to the SWPPPs, the Facility receives approximately 300 tons per day of solid waste from the public and commercial sources. *See* SWPPPs, Section 4.1.

88. The County Transfer Station NOI states that the Facility is 7 acres in size.

89. The SWPPPs state that the Facility occupies 7.5 acres, 5.5 of which are paved. *See* SWPPPs, Section 3.4.

C. Industrial Activities, Pollutant Sources, Pollutants, and BMPs at the Facility.

i. Industrial Activities and Pollutant Sources.

90. Channelkeeper is informed and believes, and thereon alleges, that the following industrial activities are conducted at the County Transfer Station: commercial and residential solid waste and recyclable material pick up, processing, sorting, unloading, loading, shipping, storage, and recycling; maintaining solid waste off-road vehicles; and diesel refueling.

91. Channelkeeper is informed and believes, and thereon alleges, that the County stores, processes and transports green waste, household hazardous waste, and electronic waste at the County Transfer Station. Servicing and maintaining of vehicles and heavy equipment also occurs at the County Transfer Station.

92. Channelkeeper is informed and believes, and thereon alleges, that municipal solid waste, recyclable materials, construction and demolition debris, household hazardous waste, electronic waste, and unprocessed green and wood waste are stored and processed outdoors without adequate cover or containment, and near driveways leading out of the Facility.

93. Channelkeeper is informed and believes, and thereon alleges, that industrial activities at the County Transfer Station are conducted outdoors without adequate cover to prevent storm water and non-storm water exposure to pollutant sources, and without secondary containment or other measures to prevent polluted storm water and non-storm water from discharging from the Facility.

94. The County Transfer Station SWPPPs state that the following unloading areas are located at the Facility: Westerly Tipping Floor, Easterly Tipping Floor, and Northerly Tipping Floor. *See* SWPPPs, Section 4. There is also a Scale House, a Maintenance Shop, a Waste Tire Storage Area, and a Hazardous Material Collection and Storage Area at the Facility. *See id.* Channelkeeper is informed and believes, and thereon alleges, that each of these areas is a source of pollutants requiring BMP implementation to prevent their exposure to storm water and non-storm water, and the subsequent discharge of polluted storm water and non-storm water from the Facility.

95. Section 5.0 of the SWPPPs lists the pollutant sources at the Facility, including municipal solid waste unloading and disposal areas, chipping and storage, scrap metal storage area, inactive loading pit, active loading pit, vegetative slops, various recycling material storage, and water truck spray working areas.

96. Section 5.2 of the SWPPPs lists non-storm water pollution sources including the administrative building, the scale house, the truck steam wash area, the vehicle maintenance shop and attached exterior shed, the outdoor waste oil tank, the absorbent shed, the household hazardous waste area, dust control activities, the Freon evacuation area, and the emergency eyewash/shower area.

ii. Pollutants.

97. The pollutants associated with operations at the County Transfer Station include, but are not limited to: dust and debris, bacteria and pathogens; petroleum products including oil, gasoline, grease, and diesel fuel; hydraulic fluids, transmission fluid, and antifreeze; solvents; detergents; total suspended solids ("TSS"); metals (such as copper, iron, lead, aluminum, and zinc); pH-affecting substances; nutrients; and other pollutants.

98. Table 6-2 of the SWPPPs lists organics, metals, and sediment as pollutants present at the Facility.

99. Channelkeeper is informed and believes, and thereon alleges, that the 2014 SWPPP fails to identify all pollutants that are associated with industrial activities or areas at the Facility.

100. Channelkeeper is informed and believes, and thereon alleges, that the 2015 SWPPP fails to identify all pollutants that are associated with industrial activities or areas at the Facility.

iii. BMPs.

101. Channelkeeper is informed and believes, and thereon alleges, that the County's failure to develop and/or implement required BMPs at the Facility results in the exposure of pollutants associated with industrial activities to precipitation.

102. Channelkeeper is informed and believes, and thereon alleges, that the lack of BMPs at the County Transfer Station results in storm water exposure to pollutant sources such as waste materials that are collected, processed, and stored outdoors at the Facility.

103. Channelkeeper is informed and believes, and thereon alleges, that inadequate sediment and tracking BMPs result in sediment being tracked around the Facility and discharged off-site.

104. Channelkeeper is informed and believes, and thereon alleges, that there is no secondary containment or other adequate treatment measures to prevent polluted storm water from discharging from the Facility.

105. Section 6 of the SWPPPs describe the non-structural and structural BMPs at the Facility, which include scheduling, preserve vegetation, street sweeping, wind controls, outdoor equipment operation, vortex clarifier, inlet protection biobags, and biobags.

106. Channelkeeper is informed and believes, and thereon alleges, that the 2014 SWPPP fails to identify adequate BMPs to reduce or prevent pollutants in the Facility's discharges.

107. Channelkeeper is informed and believes, and thereon alleges, that the 2015 SWPPP fails to identify adequate BMPs to reduce or prevent pollutants in the Facility's discharges.

108. Channelkeeper is informed and believes, and thereon alleges, that the 2014 SWPPP fails to identify all pollutant sources at the Facility.

109. Channelkeeper is informed and believes, and thereon alleges, that the 2015 SWPPP fails to identify all pollutant sources at the Facility.

110. Channelkeeper is informed and believes, and thereon alleges, that without properly identifying all pollutant sources at the Facility in the County Transfer Station SWPPPs, as required by the Storm Water Permit, the County cannot and has not developed all appropriate BMPs.

111. Channelkeeper is informed and believes, and thereon alleges, that without properly identifying all pollutants at the Facility in the County Transfer Station SWPPPs, as required by the Storm Water Permit, the County cannot and has not developed all appropriate BMPs.

112. Channelkeeper is informed and believes, and thereon alleges, that the 2014 SWPPP fails to identify all significant materials at the Facility.

113. Channelkeeper is informed and believes, and thereon alleges, that the 2015 SWPPP fails to identify all significant materials at the Facility.

114. Channelkeeper is informed and believes, and thereon alleges, that without properly identifying all significant materials at the Facility in the County Transfer Station SWPPPs, as required by the Storm Water Permit, the County cannot and has not developed all appropriate BMPs.

115. Channelkeeper is informed and believes, and thereon alleges, that without properly identifying all significant materials at the Facility in the County Transfer Station SWPPPs, as required by the Storm Water Permit, the County cannot and has not implemented all appropriate BMPs.

116. Channelkeeper is informed and believes, and thereon alleges, that the 2014 SWPPP fails to evaluate BMPs at the Facility.

117. Channelkeeper is informed and believes, and thereon alleges, that the 2015 SWPPP fails to evaluate BMPs at the Facility.

118. Channelkeeper is informed and believes, and thereon alleges, that the County has failed and continues to fail to adequately evaluate the Facility's BMPs corresponding to potential pollutant sources and associated pollutants.

119. Channelkeeper is informed and believes, and thereon alleges, that storm water sampling from the Facility demonstrates that the Facility's storm water discharges contain concentrations of pollutants above Benchmark Levels.

120. Channelkeeper is informed and believes, and thereon alleges, that the repeated and significant exceedances of Benchmark Levels demonstrate that the County

failed and continues to fail to develop BMPs to prevent the exposure of pollutants to storm water, and to prevent discharges of polluted storm water from the Facility.

121. Channelkeeper is informed and believes, and thereon alleges, that the repeated and significant exceedances of Benchmark Levels demonstrate that the County failed and continues to fail to implement BMPs to prevent the exposure of pollutants to storm water, and to prevent discharges of polluted storm water from the Facility.

122. Channelkeeper is informed and believes, and thereon alleges, that the County has failed and continues to fail to adequately develop a SWPPP that complies with the Storm Water Permit.

123. Channelkeeper is informed and believes, and thereon alleges, that the County has failed and continues to fail to adequately implement a SWPPP that complies with the Storm Water Permit.

124. Channelkeeper is informed and believes, and thereon alleges, that the County has failed and continues to fail to adequately revise the SWPPP, despite repeated and significant concentrations of pollutants in the Facility's storm water discharges.

D. The County Transfer Station's Discharges to Receiving Waters.

125. The SWPPPs state that storm water at the Facility is collected in ten (10) drainage inlets, which convey the storm water to a network of underground pipes, which leads to a detention basin, and then a clarifier. *See* SWPPP, Section 4.9.

126. In Annual Reports submitted to the Regional Board, as well as in the SWPPPs, the County identifies one (1) storm water discharge collection point at the Facility, which is identified as TS3.

127. The County further states that a clarifier on site is designed to remove some debris and floatable matter during low flows, which are sent to an on-site storage tank and drained to the sanitary sewer. *See* SWPPPs, Section 3.3.3. However, the County reports that "[h]igh flows, such as during storm events, bypass the clarifier treatment." *See id.; see also* SWPPPs, Section 4.9. The County states that storm water bypassing the clarifier discharges to a tributary of Hospital Creek, then to the County Flood Control

system, then to Atascadero Creek and Goleta Beach. SWPPPs, Section 4.9.

128. Channelkeeper is informed and believes, and thereon alleges, that Hospital Creek discharges to Atascadero Creek, which discharges to Goleta Slough, which leads to Goleta Beach and the Pacific Ocean (hereinafter referred to as the "Receiving Waters").

129. Channelkeeper is informed and believes, and thereon alleges, that pollutants associated with regulated industrial operations at the Facility discharge from each of the Facility's discharge locations to the Receiving Waters.

130. Channelkeeper is informed and believes, and thereon alleges, that each of the Receiving Waters is a water of the United States.

131. Channelkeeper is informed and believes, and thereon alleges, that polluted storm water discharges from the Facility to the Receiving Waters.

E. Defendants' Sampling, Monitoring, and Reporting.

132. Channelkeeper is informed and believes, and thereon alleges, that as of June 25, 2015, Section 7 of the 2015 SWPPP constitutes the M&RP for the Facility.

133. Channelkeeper is informed and believes, and thereon alleges, that prior to June 25, 2015, Section 7 of the 2014 SWPPP constituted the M&RP for the Facility.

134. The 2014 SWPPP identifies pH, TSS, oil & grease, specific conductance, total organic carbon, iron, lead, aluminum, zinc and chemical oxygen demand as pollutants for which the County should be analyzing its storm water samples for. *See* 2014 SWPPP, Section 7.2.

135. The 2015 SWPPP identifies pH, TSS, oil & grease, specific conductance, total organic carbon, iron, lead, aluminum, zinc, chemical oxygen demand and copper as pollutants for which the County should be analyzing its storm water samples for. *See* 2015 SWPPP, Section 7.2.

136. Via a Public Records Act request to the Regional Board, Channelkeeper obtained a *State of California State Water Resources Control Board 2010-2011 Annual Report for Storm Water Discharges Associated with Industrial Activities* ("2010-2011

Annual Report") for the business "Santa Barbara Co. Transfer Station" at 4430 Calle Real, dated June 15, 2011.

137. Channelkeeper is informed and believes, and thereon alleges, that the County submitted the 2010-2011 Annual Report for the Facility.

138. Via a Public Records Act request to the Regional Board, Channelkeeper obtained *State of California State Water Resources Control Board 2011-2012 Annual Report for Storm Water Discharges Associated with Industrial Activities* ("2011-2012 Annual Report") for the business "Santa Barbara Co. Transfer Station" at 4430 Calle Real, dated June 25, 2011.

139. Channelkeeper is informed and believes, and thereon alleges, that the County submitted the 2011-2012 Annual Report for the Facility.

140. Via a Public Records Act request to the Regional Board, Channelkeeper obtained a *State of California State Water Resources Control Board 2012-2013 Annual Report for Storm Water Discharges Associated with Industrial Activities* ("2012-2013 Annual Report") for the business "Santa Barbara Co. Transfer Station" at 4430 Calle Real, dated June 27, 2013.

141. Channelkeeper is informed and believes, and thereon alleges, that the County submitted the 2012-2013 Annual Report for the Facility.

142. Via a Public Records Act request to the Regional Board, Channelkeeper obtained a *State of California State Water Resources Control Board 2013-2014 Annual Report for Storm Water Discharges Associated with Industrial Activities* ("2013-2014 Annual Report") for the business "Santa Barbara Co. Transfer Station" at 4430 Calle Real, dated July 16, 2014.

143. Channelkeeper is informed and believes, and thereon alleges, that the County submitted the 2013-2014 Annual Report for the Facility.

144. Via SMARTS, Channelkeeper obtained a *State of California State Water Resources Control Board 2013-2014 Annual Report for Storm Water Discharges*

Associated with Industrial Activities ("2013-2014 Annual Report") for the business "Santa Barbara Co. Transfer Station" at 4430 Calle Real, dated June 23, 2015.

145. Channelkeeper is informed and believes, and thereon alleges, that the County submitted the 2014-2015 Annual Report for the Facility.

146. Channelkeeper refers to the above-described 2010-2011 Annual Report, 2011-2012 Annual Report, 2012-2013 Annual Report, 2013-2014 Annual Report, and 2014-2015 Annual Report, collectively as the County's "Annual Reports."

i. 2010-2011 Annual Report.

147. Channelkeeper is informed and believes, and thereon alleges, that in section E(6) of the 2010-2011 Annual Report the County reported "NO" to the question "Were all samples collected during the first hour of discharge?"

148. Channelkeeper is informed and believes, and thereon alleges, that in section E(10)(a) of the 2010-2011 Annual Report the County reported "NO" to the question "Does Table D contain any additional parameters related to your facility's SIC code(s)?"

149. Channelkeeper is informed and believes, and thereon alleges, that in section F(2)(b) of the 2010-2011 Annual Report the County answered "NO" to the question that "Based upon the quarterly visual observations, were any unauthorized non-storm water discharges detected?"

150. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2010-2011 Annual Report, the County reported "YES" to the question "Were there indications of prior unauthorized NSWD?" for the Quarter: July-September.

151. Channelkeeper is informed and believes, and thereon alleges, that on Side B of Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2010-2011 Annual Report, the County reported that on 9/24/2010 it identified a NSWD of "[t]ipping pad wash water" and reported that the source and location of the NSWD is "Transfer Station", and that "Cloudy, floating debris, odor" was observed at the unauthorized NSWD source.

152. Channelkeeper is informed and believes, and thereon alleges, that the County failed to report a date that the unauthorized NSWD would be eliminated by, as required by Section F(2)(d)(vi) of the 2010-2011 Annual Report.

153. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2010-2011 Annual Report, the County reported "YES" to the question "Were there indications of prior unauthorized NSWD?" for the Quarter: January-March.

154. Channelkeeper is informed and believes, and thereon alleges, that on Side B of Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2010-2011 Annual Report, the County reported that on 1/19/2011 it identified a NSWD of "[t]ipping pad wash water" and reported that the source and location of the NSWD is "Transfer Station", and that "Cloudy, floating debris, odor" was observed at the unauthorized NSWD source.

155. Channelkeeper is informed and believes, and thereon alleges, that the County failed to report a date that the unauthorized NSWD would be eliminated by, as required by Section F(2)(d)(vi) of the 2010-2011 Annual Report.

156. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2010-2011 Annual Report, the County reported "YES" to the question "Were there indications of prior unauthorized NSWD?" for the Quarter: April-June.

157. Channelkeeper is informed and believes, and thereon alleges, that on Side B of Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2010-2011 Annual Report, the County reported that on 4/29/2011 it identified a NSWD of "[t]ipping pad wash water" and reported that the source and location of the NSWD is "Transfer Station", and that "Cloudy, floating debris, odor" was observed at the unauthorized NSWD source.

158. Channelkeeper is informed and believes, and thereon alleges, that the County failed to report a date that the unauthorized NSWD would be eliminated by, as

required by Section F(2)(d)(vi) of the 2010-2011 Annual Report.

159. Channelkeeper is informed and believes, and thereon alleges, that in the 2010-2011 Annual Report the County failed to document visual observations for unauthorized non-storm water discharges for each drainage area at the Facility.

160. Channelkeeper is informed and believes, and thereon alleges, that the County failed to conduct visual observations for unauthorized non-storm water discharges for each drainage area at the Facility in the 2010-2011 reporting year.

161. Channelkeeper is informed and believes, and thereon alleges, that in Section G of the 2010-2011 Annual Report the County reported that it did not conduct visual observations of a storm event in April.

162. Channelkeeper is informed and believes, and thereon alleges, that in Form 4 of the 2010-2011 Annual Report the County did not document eligible storm events that did not result in storm water discharge for the month of April as required by Section G(1) and Form 4 of the 2010-2011 Annual Report.

163. Channelkeeper is informed and believes, and thereon alleges, that in Section G of the 2010-2011 Annual Report the County reported that it did not conduct visual observations of a storm event in May.

164. Channelkeeper is informed and believes, and thereon alleges, that in Form 4 of the 2010-2011 Annual Report the County did not report eligible storm events that resulted in storm water discharge for the month of May as required by Section G(1) and Form 4 of the 2010-2011 Annual Report.

165. Channelkeeper is informed and believes, and thereon alleges, that in the 2010-2011 Annual Report, for each month from May thru October, the County failed to document visual observations of storm water discharges conducted for each discharge location at the Facility.

166. Channelkeeper is informed and believes, and thereon alleges, that in the 2010-2011 Wet Season the County failed to conduct visual observations of storm water discharges for each discharge location at the Facility for each month from May through

October.

167. Channelkeeper is informed and believes, and thereon alleges, that on Form 4 of the 2010-2011 Annual Report for each month that the County conducted visual observations of storm water discharges the County reported "YES" to the question "Were pollutants observed?"

168. Channelkeeper is informed and believes, and thereon alleges, that on Form 4 of the 2010-2011 Annual Report for each month that the County conducted visual observations of storm water discharges the County identified "Waste material deposited at the transfer station" as the source of pollutants in storm water discharge visual observations.

169. Channelkeeper is informed and believes, and thereon alleges, that on Form 4 of the 2010-2011 Annual Report for each month that the County conducted visual observations of storm water discharges the County reported "None" in response to what revised or new BMPs would be implemented.

170. Channelkeeper is informed and believes, and thereon alleges, that on Form 5 of the 2010-2011 Annual Report the County answered "YES" to the question "Are additional/revised BMPs necessary?" for the tipping pad area.

171. Channelkeeper is informed and believes, and thereon alleges, that in Section H of the 2010-2011 Annual Report entitled Annual Comprehensive Site Compliance Evaluation (ACSCE) Checklist, the County answered "Yes" to each question in that checklist.

172. Channelkeeper is informed and believes, and thereon alleges, that in Section J of the 2010-2011 Annual Report the County answered "NO" to the question "Based upon your ACSCE do you certify compliance with the Industrial Activities Storm Water General Permit?"

173. Channelkeeper is informed and believes, and thereon alleges, that in the "Attachment to ACSCE Evaluation Report Explanation of No Answers in Annual Report" of the 2010-2011 Annual Report, the County's explanation for its "NO" answer

to Section J was that municipal solid waste is deposited on a uncovered tipping pad allowing rainwater to contact the deposited waste material and run off-site.

174. Channelkeeper is informed and believes, and thereon alleges, that in the "Attachment to ACSCE Evaluation Report Explanation of No Answers in Annual Report" of the 2010-2011 Annual Report, the County's explanation for its "NO" answer to Section J was that water is sprayed on the tipping pad to control dust and some of the water enters a nearby storm drain which flows into a clarifier and associated tank, and that a small quantity of dust control water remains in the clarifier tank that mixes with storm water and is discharged off-site.

175. Channelkeeper is informed and believes, and thereon alleges, that in the 2010-2011 Annual Report the County failed to include required records of responses taken to eliminate and reduce pollutant contact with storm water.

176. Channelkeeper is informed and believes, and thereon alleges, that the County failed to collect storm water samples from each discharge location at the Facility during the 2010-2011 Wet Season.

177. Channelkeeper is informed and believes, and thereon alleges, that during the 2010-2011 Wet Season the County failed to analyze storm water samples for all parameters required by the Storm Water Permit Table D.

178. Channelkeeper is informed and believes, and thereon alleges, that during the 2010-2011 Wet Season the County failed to analyze storm water samples for all parameters likely to be present in discharges in significant quantities as required by the Storm Water Permit.

179. Channelkeeper is informed and believes, and thereon alleges, that during the 2010-2011 Wet Season the County failed to analyze for pollutants listed as causing impairment in the Receiving Waters.

180. Channelkeeper is informed and believes, and thereon alleges, that the County failed to conduct an adequate ACSCE in the 2010-2011 reporting year.

181. Channelkeeper is informed and believes, and thereon alleges, that the

County failed to include required reports of incidents of non-compliance and corrective actions taken in the 2010-2011 Annual Report.

182. Channelkeeper is informed and believes, and thereon alleges, that the County failed to include required explanations of why the County did not implement activities required by the Storm Water Permit in the 2010-2011 Annual Report.

ii. 2011-2012 Annual Report.

183. Channelkeeper is informed and believes, and thereon alleges, that in section E(6) of the 2011-2012 Annual Report the County reported "NO" to the question "Were all samples collected during the first hour of discharge?"

184. Channelkeeper is informed and believes, and thereon alleges, that in section E(10)(a) of the 2011-2012 Annual Report the County reported "NO" to the question "Does Table D contain any additional parameters related to your facility's SIC code(s)?"

185. Channelkeeper is informed and believes, and thereon alleges, that in section F(2)(b) of the 2011-2012 Annual Report the County answered "NO" to the question that "Based upon the quarterly visual observations, were any unauthorized non-storm water discharges detected?"

186. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2011-2012 Annual Report, the County reported "YES" to the question "Were there indications of prior unauthorized NSWD?" for the Quarter: July-September.

187. Channelkeeper is informed and believes, and thereon alleges, that on Side B of Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2011-2012 Annual Report, the County reported that on 8/26/2012 it identified a NSWD of "[t]ipping pad wash water" and reported that the source and location of the NSWD is "Transfer Station", and that "Cloudy, floating debris, odor" was observed at the unauthorized NSWD source.

188. Channelkeeper is informed and believes, and thereon alleges, that the County failed to report a date that the unauthorized NSWD would be eliminated by, as

required by Section F(2)(d)(vi) of the 2011-2012 Annual Report.

189. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2011-2012 Annual Report, the County reported "YES" to the question "Were there indications of prior unauthorized NSWD?" for the Quarter: April-June.

190. Channelkeeper is informed and believes, and thereon alleges, that on Side B of Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2011-2012 Annual Report, the County reported that on 6/19/2012 it identified a NSWD of "[t]ipping pad wash water" and reported that the source and location of the NSWD is "Transfer Station", and that "Cloudy, floating debris, odor" was observed at the unauthorized NSWD source.

191. Channelkeeper is informed and believes, and thereon alleges, that the County failed to report a date that the unauthorized NSWD would be eliminated by, as required by Section F(2)(d)(vi) of the 2011-2012 Annual Report.

192. Channelkeeper is informed and believes, and thereon alleges, that in the 2011-2012 Annual Report the County failed to document visual observations for unauthorized non-storm water discharges for each drainage area at the Facility.

193. Channelkeeper is informed and believes, and thereon alleges, that the County failed to conduct visual observations for unauthorized non-storm water discharges for each drainage area at the Facility in the 2011-2012 reporting year.

194. Channelkeeper is informed and believes, and thereon alleges, that in Section G of the 2011-2012 Annual Report the County reported that it did not conduct visual observations of a storm event in May.

195. Channelkeeper is informed and believes, and thereon alleges, that in Form 4 of the 2011-2012 Annual Report the County did not report eligible storm events that did not result in storm water discharge for the month of May as required by Section G(1) and Form 4 of the 2011-2012 Annual Report.

196. Channelkeeper is informed and believes, and thereon alleges, that in the

2011-2012 Annual Report, for each month from May thru October, the County failed to document visual observations of storm water discharges conducted for each discharge location at the Facility.

197. Channelkeeper is informed and believes, and thereon alleges, that in the 2011-2012 Wet Season the County failed to conduct visual observations of storm water discharges for each discharge location at the Facility for each month from May through October.

198. Channelkeeper is informed and believes, and thereon alleges, that on Form 4 of the 2011-2012 Annual Report for each month that the County conducted visual observations of storm water discharges the County reported "YES" to the question "Were pollutants observed?"

199. Channelkeeper is informed and believes, and thereon alleges, that on Form 4 of the 2011-2012 Annual Report for each month that the County conducted visual observations of storm water discharges the County identified "Waste material deposited at the transfer station" as the source of pollutants in storm water discharge visual observations.

200. Channelkeeper is informed and believes, and thereon alleges, that on Form 4 of the 2011-2012 Annual Report for each month that the County conducted visual observations of storm water discharges the County reported "None" in response to what revised or new BMPs would be implemented.

201. Channelkeeper is informed and believes, and thereon alleges, that on Form 5 of the 2011-2012 Annual Report the County answered "YES" to the question "Are additional/revised BMPs necessary?" for the tipping pad area.

202. Channelkeeper is informed and believes, and thereon alleges, that in Section H of the 2011-2012 Annual Report entitled Annual Comprehensive Site Compliance Evaluation (ACSCE) Checklist, the County answered "Yes" to each question in that checklist.

203. Channelkeeper is informed and believes, and thereon alleges, that in Section

Exhibit A to Complaint

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective/Standard	Magnitude of WQO/WQS Exceedance
2/16/11 6:48	Lead (Pb)	TS3	0.045	mg/L	0.069	0	0.082	0
2/16/11 6:48	Zinc (Zn)	TS3	0.33	mg/L	0.11	3.00	0.12	2.75
2/16/11 6:48	Total Organic Carbon (TOC)	TS3	100	mg/L	100	0	see Basin Plan, §II.A.2.a	
2011/2012 Wet Season								
10/5/11 7:16	Total Suspended Solids (TSS)	TS3	420	mg/L	100	4.2	see Basin Plan, §II.A.2.a	
10/5/11 7:16	Oil and Grease	TS3	10	mg/L	15	0	see Basin Plan, §II.A.2.a	
10/5/11 7:16	Electrical Conductivity @ 25 Deg. C	TS3	1085	umhos/cm	200	5.43	see Basin Plan, §II.A.2.a	
10/5/11 7:16	Chemical Oxygen Demand (COD)	TS3	660	mg/L	120	5.5	see Basin Plan, §II.A.2.a	
10/5/11 7:16	pH	TS3	8.89	SU	6.0-9.0	0	7.0-8.3	3.9
10/5/11 7:16	Iron (Fe)	TS3	15	mg/L	1	15	see Basin Plan, §II.A.2.a	
10/5/11 7:16	Aluminum (Al)	TS3	8.8	mg/L	0.75	11.73	see Basin Plan, §II.A.2.a	
10/5/11 7:16	Copper (Cu)	TS3	0.11	mg/L	0.0123	8.94	0.014	7.86
10/5/11 7:16	Lead (Pb)	TS3	0.12	mg/L	0.069	1.74	0.082	1.46
10/5/11 7:16	Zinc (Zn)	TS3	1.3	mg/L	0.11	11.82	0.12	10.83
10/5/11 7:16	Total Organic Carbon (TOC)	TS3	140	mg/L	100	1.4	see Basin Plan, §II.A.2.a	
1/23/12 12:17	Total Suspended Solids (TSS)	TS3	370	mg/L	100	3.7	see Basin Plan, §II.A.2.a	
1/23/12 12:17	Oil and Grease	TS3	7.1	mg/L	15	0	see Basin Plan, §II.A.2.a	
1/23/12 12:17	Electrical Conductivity @ 25 Deg. C	TS3	160	umhos/cm	200	0	see Basin Plan, §II.A.2.a	
1/23/12 12:17	Chemical Oxygen Demand (COD)	TS3	560	mg/L	120	4.67	see Basin Plan, §II.A.2.a	
1/23/12 12:17	pH	TS3	6.14	SU	6.0-9.0	0	7.0-8.3	7.24
1/23/12 12:17	Iron (Fe)	TS3	14	mg/L	1	14	see Basin Plan, §II.A.2.a	

Exhibit A to Complaint

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective/Standard	Magnitude of WQO/WQS Exceedance
10/6/10 7:02	Total Suspended Solids (TSS)	TS3	160	mg/L	100	1.6	see Basin Plan, §II.A.2.a	
10/6/10 7:02	Oil and Grease	TS3	8.7	mg/L	15	0	see Basin Plan, §II.A.2.a	
10/6/10 7:02	Electrical Conductivity @ 25 Deg. C	TS3	487	umhos/cm	200	2.44	see Basin Plan, §II.A.2.a	
10/6/10 7:02	Chemical Oxygen Demand (COD)	TS3	620	mg/L	120	5.17	see Basin Plan, §II.A.2.a	
10/6/10 7:02	pH	TS3	6.14	SU	6.0-9.0	0	7.0-8.3	7.2
10/6/10 7:02	Iron (Fe)	TS3	0.43	mg/L	1	0	see Basin Plan, §II.A.2.a	
10/6/10 7:02	Aluminum (Al)	TS3	ND	mg/L	0.75	0	see Basin Plan, §II.A.2.a	
10/6/10 7:02	Copper (Cu)	TS3	0.16	mg/L	0.0123	13.01	0.014	11.43
10/6/10 7:02	Lead (Pb)	TS3	ND	mg/L	0.069	0	0.082	
10/6/10 7:02	Zinc (Zn)	TS3	0.12	mg/L	0.11	1.09	0.12	0
10/6/10 7:02	Turbidity	TS3	80	NTU			see Basin Plan, §II.A.2.a	
10/6/10 7:02	Total Organic Carbon (TOC)	TS3	180	mg/L	100	1.8	see Basin Plan, §II.A.2.a	
2/16/11 6:48	Total Suspended Solids (TSS)	TS3	110	mg/L	100	1.1	see Basin Plan, §II.A.2.a	
2/16/11 6:48	Oil and Grease	TS3	5.8	mg/L	15	0	see Basin Plan, §II.A.2.a	
2/16/11 6:48	Electrical Conductivity @ 25 Deg. C	TS3	814	umhos/cm	200	4.07	see Basin Plan, §II.A.2.a	
2/16/11 6:48	Chemical Oxygen Demand (COD)	TS3	350	mg/L	120	2.92	see Basin Plan, §II.A.2.a	
2/16/11 6:48	pH	TS3	6.98	SU	6.0-9.0	0	7.0-8.3	1.05
2/16/11 6:48	Iron (Fe)	TS3	4.9	mg/L	1	4.9	see Basin Plan, §II.A.2.a	
2/16/11 6:48	Aluminum (Al)	TS3	2.9	mg/L	0.75	3.87	see Basin Plan, §II.A.2.a	
2/16/11 6:48	Copper (Cu)	TS3	0.034	mg/L	0.0123	2.76	0.014	2.43

CWA at $37,500 per day per violation for violations occurring since October 19, 2010, as permitted by 33 U.S.C. § 1319(d) and 40 C.F.R. § 19.4;

e. A Court order awarding Plaintiff its reasonable costs of suit, including attorney, witness, expert, and consultant fees, as permitted by section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d); and

f. Any other relief as this Court may deem appropriate.

Dated: December 18, 2015

Respectfully submitted,

LAWYERS FOR CLEAN WATER, INC.

Daniel Cooper
Attorneys for Plaintiff
Santa Barbara Channelkeeper

386. The Defendant's violations of the reporting requirements of the Storm Water Permit and the CWA are ongoing and continuous.

387. By committing the acts and omissions alleged above, the Defendant is subject to an assessment of civil penalties for each and every violation of the CWA occurring from October 19, 2010 to the present, pursuant to sections 309(d) and 505 of the CWA, 33 U.S.C. §§ 1319(d), 1365, and 40 C.F.R. § 19.4.

388. An action for injunctive relief under the CWA is authorized by section 505(a) of the CWA. 33 U.S.C. § 1365(a). Continuing commission of the acts and omissions alleged above would irreparably harm Channelkeeper, its members, and the citizens of the State of California, for which harm they have no plain, speedy, or adequate remedy at law.

389. An action for declaratory relief is authorized by 28 U.S.C. § 2201(a) because an actual controversy exists as to the rights and other legal relations of the Parties.

WHEREFORE, Plaintiff prays judgment against the Defendant as set forth hereafter.

VII. RELIEF REQUESTED

390. Plaintiff respectfully requests that this Court grant the following relief:

a. A Court order declaring Defendant to have violated and to be in violation of the Storm Water Permit and Sections 301(a) and 402(p) of the CWA, 33 U.S.C. § 1311(a), for its discharges of pollutants not in compliance with the Storm Water Permit and its violations of the substantive and procedural requirements of the Storm Water Permit;

b. A Court order enjoining Defendant from violating the substantive and procedural requirements of the Storm Water Permit;

c. A Court order requiring Defendant to develop and implement affirmative injunctive measures to eliminate Defendant's violations of the substantive and procedural requirements of the Storm Water Permit and the Clean Water Act;

d. A Court order assessing civil monetary penalties for each violation of the

the CWA, 33 U.S.C. §§ 1319(d), 1365, and 40 C.F.R. § 19.4.

379. An action for injunctive relief under the CWA is authorized by section 505(a) of the CWA. 33 U.S.C. § 1365(a). Continuing commission of the acts and omissions alleged above would irreparably harm Channelkeeper, its members, and the citizens of the State of California, for which harm they have no plain, speedy, or adequate remedy at law.

380. An action for declaratory relief is authorized by 28 U.S.C. § 2201(a) because an actual controversy exists as to the rights and other legal relations of the Parties.

WHEREFORE, Plaintiff prays judgment against the Defendant as set forth hereafter.

SIXTH CAUSE OF ACTION

Defendant's Failure to Report as Required by the Storm Water Permit in Violation of the Storm Water Permit and the Clean Water Act.

33 U.S.C. §§ 1311(a), 1342, 1365(a) and 1365(f)

381. Plaintiff incorporate the allegations contained in the above paragraphs as though fully set forth herein.

382. Plaintiff is informed and believes, and thereon alleges, that the Defendant has failed and continues to fail to submit accurate Annual Reports to the Regional Board, in violation of Sections B(14), C(9), and C(10) of the 1997 Permit.

383. Plaintiff is informed and believes, and thereon alleges, that the Defendant's Annual Reports failed and continue to fail to meet the monitoring and reporting requirements of the Storm Water Permit.

384. Plaintiff is informed and believes, and thereon alleges, that the Defendant has failed and continues to fail to submit complete Annual Reports to the Regional Board.

385. The Defendant has been in violation of the Storm Water Permit and CWA every day since at least October 19, 2010.

FIFTH CAUSE OF ACTION

Defendant's Failure to Adequately Develop, Implement, and/or Revise a Monitoring and Reporting Program in Violation of the Storm Water Permit and the Clean Water Act.

33 U.S.C. §§ 1311(a), 1342, 1365(a) and 1365(f)

370. Plaintiff incorporate the allegations contained in the above paragraphs as though fully set forth herein.

371. Plaintiff is informed and believes, and thereon alleges, that the Defendant has failed and continues to fail to develop an adequate M&RP for the Facility, in violation of the Storm Water Permit.

372. Plaintiff is informed and believes, and thereon alleges, that the Defendant has failed and continues to fail to adequately implement an M&RP for the Facility, in violation of the Storm Water Permit.

373. Plaintiff is informed and believes, and thereon alleges, that the Defendant has failed and continues to fail to adequately revise an M&RP for the Facility, in violation of the Storm Water Permit.

374. The Defendant has been in violation of the Storm Water Permit's monitoring requirements at the Facility every day from October 19, 2010 to the present.

375. The Defendant's violations of the Storm Water Permit's monitoring requirements and the CWA at the Facility are ongoing and continuous.

376. The Defendant will continue to be in violation of Section B and Provision E(3) the 1997 Permit, Section XI of the 2015 Permit, and the CWA each and every day it fails to adequately develop, implement, and/or revise an M&RP for the Facility.

377. Each and every violation of the Storm Water Permit's M&RP requirements at the Facility is a separate and distinct violation of the CWA.

378. By committing the acts and omissions alleged above, the Defendant is subject to an assessment of civil penalties for each and every violation of the CWA occurring from October 19, 2010 to the present, pursuant to sections 309(d) and 505 of

violation of the Storm Water Permit.

362. Plaintiff is informed and believes, and thereon alleges, that Defendant has failed and continues to fail to adequately revise a SWPPP for the Facility, in violation of the Storm Water Permit.

363. The Defendant has been in violation of the Storm Water Permit at the Facility every day from October 19, 2010 to the present.

364. The Defendant's violations of the Storm Water Permit and the CWA at the Facility are ongoing and continuous.

365. The Defendant will continue to be in violation of the Storm Water Permit and the CWA each and every day the County fails to adequately develop, implement, and/or revise the SWPPP for the Facility.

366. Each and every violation of the Storm Water Permit's SWPPP requirements at the Facility is a separate and distinct violation of the CWA.

367. By committing the acts and omissions alleged above, the Defendant is subject to an assessment of civil penalties for each and every violation of the CWA occurring from October 19, 2010 to the present, pursuant to sections 309(d) and 505 of the CWA, 33 U.S.C. §§ 1319(d), 1365, and 40 C.F.R. § 19.4.

368. An action for injunctive relief under the CWA is authorized by section 505(a) of the CWA. 33 U.S.C. § 1365(a). Continuing commission of the acts and omissions alleged above would irreparably harm Channelkeeper, its members, and the citizens of the State of California, for which harm they have no plain, speedy, or adequate remedy at law.

369. An action for declaratory relief is authorized by 28 U.S.C. § 2201(a) because an actual controversy exists as to the rights and other legal relations of the parties.

WHEREFORE, Plaintiff prays for judgment against the Defendant as set forth hereafter.

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violations of the Storm Water Permit's Receiving Water Limitation and the CWA are ongoing and continuous.

355. Each and every violation of the Storm Water Permit is a separate and distinct violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

356. By committing the acts and omissions alleged above, the Defendant is subject to an assessment of civil penalties for each and every violation of the CWA occurring from October 19, 2010, to the present, pursuant to sections 309(d) and 505 of the CWA, 33 U.S.C. §§ 1319(d), 1365, and 40 C.F.R. § 19.4.

357. An action for injunctive relief under the CWA is authorized by 33 U.S.C. § 1365(a). Continuing commission of the acts and omissions alleged above would irreparably harm Plaintiff and the citizens of the State of California, for which harm Plaintiff has no plain, speedy, or adequate remedy at law.

358. An action for declaratory relief is authorized by 28 U.S.C. § 2201(a) because an actual controversy exists as to the rights and other legal relations of the parties.

WHEREFORE, Plaintiff prays for judgment against Defendant as set forth hereafter.

FOURTH CAUSE OF ACTION

Defendant's Failure to Adequately Develop, Implement, and/or Revise a Storm Water Pollution Prevention Plan in Violation of the Storm Water Permit and the Clean Water Act.

33 U.S.C. §§ 1311(a), 1342, 1365(a) and 1365(f)

359. Plaintiff incorporate the allegations contained in the above paragraphs as though fully set forth herein.

360. Plaintiff is informed and believes, and thereon alleges, that the Defendant has failed and continues to fail to develop an adequate SWPPP for the Facility, in violation of the Storm Water Permit.

361. Plaintiff is informed and believes, and thereon alleges, that the Defendant has failed and continues to fail to adequately implement a SWPPP for the Facility, in

347. An action for injunctive relief under the Clean Water Act is authorized by 33 U.S.C. § 1365(a). Continuing commission of the acts and omissions alleged above would irreparably harm Plaintiff and the citizens of the State of California, for which harm Plaintiff has no plain, speedy, or adequate remedy at law.

348. An action for declaratory relief is authorized by 28 U.S.C. § 2201(a) because an actual controversy exists as to the rights and other legal relations of the parties.

WHEREFORE, Plaintiff prays for judgment against Defendant as set forth hereafter.

THIRD CAUSE OF ACTION

Defendant's Discharges of Contaminated Storm Water That Cause or Contribute to an Exceedance of a Water Quality Standard in Violation of Storm Water Permit's Receiving Water Limitation and the Clean Water Act.

33 U.S.C. §§ 1311(a), 1342, 1365(a) and 1365(f)

349. Plaintiff incorporate the allegations contained in the above paragraph as though fully set forth herein.

350. Sampling results collected by the Defendant and Plaintiff, summarized in Exhibit A hereto, combined with visual observations, document Defendant's discharges of pollutants exceeding Receiving Water Limitations and Water Quality Standards.

351. Plaintiff is informed and believes, and thereon alleges, that discharges of storm water containing levels of pollutants that cause or contribute to exceedances of water quality standards occur each time storm water discharges from the Facility.

352. Plaintiff is informed and believes, and thereon alleges, that discharges of storm water that containing levels of pollutants that cause or contribute to exceedances of water quality standards occur every time storm water is discharged from the Facility.

353. The Defendant violates and will continue to violate the Storm Water Permit each and every time storm water containing levels of pollutants that cause or contribute to exceedances of water quality standards discharges from the Facility.

354. Plaintiff is informed and believes, and thereon alleges, that the Defendant's

SECOND CAUSE OF ACTION

Defendant's Discharges of Contaminated Storm Water that Adversely Impact Human Health and the Environment in Violation of the Storm Water Permit's Receiving Water Limitation and the Clean Water Act.

33 U.S.C. §§ 1311(a), 1342, 1365(a) and 1365(f)

339. Plaintiff incorporates the allegations contained in the above paragraphs as though fully set forth herein.

340. Sampling results collected by the Defendant and Plaintiff, summarized in Exhibit A hereto, combined with visual observations, document Defendant's discharges of pollutants adversely impacting human health and the environment.

341. Plaintiff is informed and believes, and thereon alleges, that discharges of storm water containing levels of pollutants that adversely impact human health and/or the environment occur each time storm water discharges from the Facility.

342. Plaintiff is informed and believes, and thereon alleges, that discharges of storm water that adversely impact human health and/or the environment occurs every time storm water is discharged from the Facility.

343. The Defendant violates and will continue to violate the Storm Water Permit each and every time storm water containing levels of pollutants that adversely impact human health and/or the environment discharges from the Facility.

344. Plaintiff is informed and believes, and thereon alleges, that the Defendant's violations of the Storm Water Permit's Receiving Water Limitation and the CWA are ongoing and continuous.

345. Each and every violation of the Storm Water Permit is a separate and distinct violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

346. By committing the acts and omissions alleged above, the Defendant is subject to an assessment of civil penalties for each and every violation of the CWA occurring from October 19, 2010, to the present, pursuant to sections 309(d) and 505 of the CWA, 33 U.S.C. §§ 1319(d), 1365, and 40 C.F.R. § 19.4.

332. Plaintiff is informed and believes, and thereon alleges, that discharges of storm water containing levels of pollutants that do not achieve compliance with BAT/BCT standards occur every time storm water discharges from the Facility.

333. The Defendant violates and will continue to violate the Storm Water Permit each and every time storm water containing levels of pollutants that do not achieve BAT/BCT standards discharges from the Facility.

334. Plaintiff is informed and believes, and thereon alleges, that the Defendant's violations of the Storm Water Permit's Effluent Limitation and the Clean Water Act are ongoing and continuous.

335. Each and every time the Defendant discharges contaminated storm water from the Facility in violation of the Storm Water Permit is a separate and distinct violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

336. By committing the acts and omissions alleged above, the Defendant is subject to an assessment of civil penalties for each and every violation of the CWA occurring from October 19, 2010, to the present, pursuant to sections 309(d) and 505 of the CWA, 33 U.S.C. §§ 1319(d), 1365, and 40 C.F.R. § 19.4.

337. An action for injunctive relief under the CWA is authorized by 33 U.S.C. § 1365(a). Continuing commission of the acts and omissions alleged above would irreparably harm Plaintiff and the citizens of the State of California, for which harm Plaintiff has no plain, speedy, or adequate remedy at law.

338. An action for declaratory relief is authorized by 28 U.S.C. § 2201(a) because an actual controversy exists as to the rights and other legal relations of the parties.

WHEREFORE, Plaintiff prays for judgment against Defendant as set forth hereafter.

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2014-2015 Wet Season the County failed to analyze storm water samples for all parameters likely to be present in discharges in significant quantities as required by the Storm Water Permit.

325. Channelkeeper is informed and believes, and thereon alleges, that during the 2014-2015 Wet Season the County failed to analyze for pollutants listed as causing impairment in the Receiving Waters.

326. Channelkeeper is informed and believes, and thereon alleges, that the County failed to conduct an adequate ACSCE in the 2014-2015 reporting year.

327. Channelkeeper is informed and believes, and thereon alleges, that the County failed to include required reports of incidents of non-compliance and corrective actions taken in the 2014-2015 Annual Report.

328. Channelkeeper is informed and believes, and thereon alleges, that the County failed to include required explanations of why the County did not implement activities required by the Storm Water Permit in the 2014-2015 Annual Report.

VI. CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION

Defendant's Failure to Develop and/or Implement BMPs That Achieve Compliance with BAT/BCT in Violation of the Storm Water Permit's Effluent Limitation and the Clean Water Act.

33 U.S.C. §§ 1311(a), 1342, 1365(a) and 1365(f)

329. Plaintiff incorporates the allegations contained in the above paragraphs as though fully set forth herein.

330. Sampling results collected by the Defendant and Plaintiff, summarized in Exhibit A hereto, combined with visual observations, document Defendant's discharges of pollutants exceeding BAT/BCT standards.

331. Plaintiff is informed and believes, and thereon alleges, that Defendant failed and continues to fail to reduce or prevent pollutants associated with industrial activities at the Facility through implementation of BMPs that achieve BAT/BCT.

County did not complete or otherwise submit the information required in Form 5 of the 2014-2015 Annual Report.

318. Channelkeeper is informed and believes, and thereon alleges, that in Section H(7) of the 2013-2014 Annual Report entitled Annual Comprehensive Site Compliance Evaluation (ACSCE) Checklist, the County answered "NO" to the question "Have you reviewed your SWPPP to assure that a) the BMPs are adequate in reducing or preventing pollutants in storm water discharges and authorized non-storm water discharges, and b) the BMPs are being implemented?"

319. Channelkeeper is informed and believes, and thereon alleges, that in Section J of the 2014-2015 Annual Report the County answered "YES" to the question "Based upon your ACSCE do you certify compliance with the Industrial Activities Storm Water General Permit?"

320. Channelkeeper is informed and believes, and thereon alleges, that in the "Attachment to ACSCE Evaluation Report Explanation of No Answers in Annual Report" of the 2013-2014 Annual Report, the County's explanation for its "NO" answer to Section H(6) was "Uncovered tipping pad allows rain water and surface water to make contact with waste material. A new BMP would be the covering of the Tipping Pad to prevent rain water contact with waste material and associated runoff."

321. Channelkeeper is informed and believes, and thereon alleges, that in the 2014-2015 Annual Report the County failed to include required records of responses taken to eliminate and reduce pollutant contact with storm water.

322. Channelkeeper is informed and believes, and thereon alleges, that the County failed to collect storm water samples from each discharge location at the Facility during the 2014-2015 Wet Season.

323. Channelkeeper is informed and believes, and thereon alleges, that during the 2014-2015 Wet Season the County failed to analyze storm water samples for all parameters required by the Storm Water Permit Table D.

324. Channelkeeper is informed and believes, and thereon alleges, that during the

observations of a storm event in October, November, January, February, or March.

311. Channelkeeper is informed and believes, and thereon alleges, that in Form 4 of the 2014-2015 Annual Report the County did not document eligible storm events that did not result in storm water discharge for the months of October, November, January, February, or March as required by Section G(1) and Form 4 of the 2014-2015 Annual Report.

312. Channelkeeper is informed and believes, and thereon alleges, that in the 2014-2015 Annual Report, for each month from May through October, the County failed to document visual observations of storm water discharges conducted for each discharge location at the Facility.

313. Channelkeeper is informed and believes, and thereon alleges, that in the 2014-2015 Wet Season the County failed to conduct visual observations of storm water discharges for each discharge location at the Facility for each month from May through October.

314. Channelkeeper is informed and believes, and thereon alleges, that on Form 4 of the 2014-2015 Annual Report for each month that the County conducted visual observations of storm water discharges the County reported "YES" to the question "Were pollutants observed?"

315. Channelkeeper is informed and believes, and thereon alleges, that on Form 4 of the 2014-2015 Annual Report for each month that the County conducted visual observations of storm water discharges the County identified "Waste material deposited at the transfer station" as the source of pollutants in storm water discharge visual observations.

316. Channelkeeper is informed and believes, and thereon alleges, that on Form 4 of the 2014-2015 Annual Report for each month that the County conducted visual observations of storm water discharges the County reported "Install filters at all drainage inlets/Ongoing" in response to what revised or new BMPs would be implemented.

317. Channelkeeper is informed and believes, and thereon alleges, that the

303. Channelkeeper is informed and believes, and thereon alleges, that the County failed to report a date that the unauthorized NSWD would be eliminated by, as required by Section F(2)(d)(vi) of the 2014-2015 Annual Report.

304. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2014-2015 Annual Report, the County reported "YES" to the question "Were unauthorized NSWDs observed?" for the Quarter: April-June.

305. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2014-2015 Annual Report, the County reported "YES" to the question "Were there indications of prior unauthorized NSWD?" for the Quarter: April-June.

306. Channelkeeper is informed and believes, and thereon alleges, that on Side B of Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2014-2015 Annual Report, the County reported that on 5/20/2015 it identified a NSWD of "[t]ipping pad wash water" and reported that the source and location of the NSWD is "Transfer Station", and that "Cloudy, floating debris, odor" was observed at the unauthorized NSWD source.

307. Channelkeeper is informed and believes, and thereon alleges, that the County failed to report a date that the unauthorized NSWD would be eliminated by, as required by Section F(2)(d)(vi) of the 2014-2015 Annual Report.

308. Channelkeeper is informed and believes, and thereon alleges, that in the 2014-2015 Annual Report the County failed to document visual observations for unauthorized non-storm water discharges for each drainage area at the Facility.

309. Channelkeeper is informed and believes, and thereon alleges, that the County failed to conduct visual observations for unauthorized non-storm water discharges for each drainage area at the Facility in the 2014-2015 reporting year.

310. Channelkeeper is informed and believes, and thereon alleges, that in Section G of the 2014-2015 Annual Report the County reported that it did not conduct visual

unauthorized NSWDs observed?" for the Quarter: October-December.

297. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2014-2015 Annual Report, the County reported "YES" to the question "Were there indications of prior unauthorized NSWD?" for the Quarter: October-December.

298. Channelkeeper is informed and believes, and thereon alleges, that on Side B of Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2014-2015 Annual Report, the County reported that on 11/14/2014 it identified a NSWD of "[t]ipping pad wash water" and reported that the source and location of the NSWD is "Transfer Station", and that "Cloudy, floating debris, odor" was observed at the unauthorized NSWD source.

299. Channelkeeper is informed and believes, and thereon alleges, that the County failed to report a date that the unauthorized NSWD would be eliminated by, as required by Section F(2)(d)(vi) of the 2014-2015 Annual Report.

300. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2014-2015 Annual Report, the County reported "YES" to the question "Were unauthorized NSWDs observed?" for the Quarter: January-March.

301. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2014-2015 Annual Report, the County reported "YES" to the question "Were there indications of prior unauthorized NSWD?" for the Quarter: January-March.

302. Channelkeeper is informed and believes, and thereon alleges, that on Side B of Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD)of the 2014-2015 Annual Report, the County reported that on 2/18/2015 it identified a NSWD of "[t]ipping pad wash water" and reported that the source and location of the NSWD is "Transfer Station", and that "Cloudy, floating debris, odor" was observed at the unauthorized NSWD source.

290. Channelkeeper is informed and believes, and thereon alleges, that the County failed to include required explanations of why the County did not implement activities required by the Storm Water Permit in the 2013-2014 Annual Report.

v. 2014-2015 Annual Report.

291. Channelkeeper is informed and believes, and thereon alleges, that in section F(2)(b) of the 2014-2015 Annual Report the County answered "NO" to the question that "Based upon the quarterly visual observations, were any unauthorized non-storm water discharges detected?"

292. Channelkeeper is informed and believes, and thereon alleges, that in section F(2)(c) of the 2014-2015 Annual Report, the County answered "NO" to the question that "Have each of the unauthorized non-storm water discharges been eliminated or permitted?"

293. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2014-2015 Annual Report, the County reported "YES" to the question "Were there indications of prior unauthorized NSWD?" for the Quarter: July-September.

294. Channelkeeper is informed and believes, and thereon alleges, that on Side B of Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2014-2015 Annual Report, the County reported that on 9/8/2014 it identified a NSWD of "[t]ipping pad wash water" and reported that the source and location of the NSWD is "Transfer Station", and that "Cloudy, floating debris, odor" was observed at the unauthorized NSWD source.

295. Channelkeeper is informed and believes, and thereon alleges, that the County failed to report a date that the unauthorized NSWD would be eliminated by, as required by Section F(2)(d)(vi) of the 2014-2015 Annual Report.

296. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2014-2015 Annual Report, the County reported "YES" to the question "Were

Annual Report.

282. Channelkeeper is informed and believes, and thereon alleges, that in the "Attachment to ACSCE Evaluation Report Explanation of No Answers in Annual Report" of the 2013-2014 Annual Report, the County's explanation for its "NO" answer to Section H(6) was "Uncovered tipping pad allows rain water and surface water to make contact with waste material. A new BMP would be the covering of the Tipping Pad to prevent rain water contact with waste material and associated runoff."

283. Channelkeeper is informed and believes, and thereon alleges, that in the 2013-2014 Annual Report the County failed to include required records of responses taken to eliminate and reduce pollutant contact with storm water.

284. Channelkeeper is informed and believes, and thereon alleges, that the County failed to collect storm water samples from each discharge location at the Facility during the 2013-2014 Wet Season.

285. Channelkeeper is informed and believes, and thereon alleges, that during the 2013-2014 Wet Season the County failed to analyze storm water samples for all parameters required by the Storm Water Permit Table D.

286. Channelkeeper is informed and believes, and thereon alleges, that during the 2013-2014 Wet Season the County failed to analyze storm water samples for all parameters likely to be present in discharges in significant quantities as required by the Storm Water Permit.

287. Channelkeeper is informed and believes, and thereon alleges, that during the 2013-2014 Wet Season the County failed to analyze for pollutants listed as causing impairment in the Receiving Waters.

288. Channelkeeper is informed and believes, and thereon alleges, that the County failed to conduct an adequate ACSCE in the 2013-2014 reporting year.

289. Channelkeeper is informed and believes, and thereon alleges, that the County failed to include required reports of incidents of non-compliance and corrective actions taken in the 2013-2014 Annual Report.

275. Channelkeeper is informed and believes, and thereon alleges, that on Form 4 of the 2013-2014 Annual Report for each month that the County conducted visual observations of storm water discharges the County reported "YES" to the question "Were pollutants observed?"

276. Channelkeeper is informed and believes, and thereon alleges, that on Form 4 of the 2013-2014 Annual Report for each month that the County conducted visual observations of storm water discharges the County identified "Waste material deposited at the transfer station" as the source of pollutants in storm water discharge visual observations.

277. Channelkeeper is informed and believes, and thereon alleges, that on Form 4 of the 2013-2014 Annual Report for each month that the County conducted visual observations of storm water discharges the County reported "None" in response to what revised or new BMPs would be implemented.

278. Channelkeeper is informed and believes, and thereon alleges, that that the County did not complete or otherwise submit the information required in Form 5 of the 2013-2014 Annual Report.

279. Channelkeeper is informed and believes, and thereon alleges, that in Section H(7) of the 2013-2014 Annual Report entitled Annual Comprehensive Site Compliance Evaluation (ACSCE) Checklist, the County answered "NO" to the question "Have you reviewed your SWPPP to assure that a) the BMPs are adequate in reducing or preventing pollutants in storm water discharges and authorized non-storm water discharges, and b) the BMPs are being implemented?"

280. Channelkeeper is informed and believes, and thereon alleges, that in Section J of the 2013-2014 Annual Report the County answered "YES" to the question "Based upon your ACSCE do you certify compliance with the Industrial Activities Storm Water General Permit?"

281. Channelkeeper is informed and believes, and thereon alleges, that the County erroneously certified compliance with the Storm Water Permit in the 2013-2014

identified a NSWD of "[t]ipping pad wash water" and reported that the source and location of the NSWD is "Transfer Station", and that "Cloudy, floating debris, odor" was observed at the unauthorized NSWD source.

268. Channelkeeper is informed and believes, and thereon alleges, that the County failed to report a date that the unauthorized NSWD would be eliminated by, as required by Section F(2)(d)(vi) of the 2013-2014 Annual Report.

269. Channelkeeper is informed and believes, and thereon alleges, that in the 2013-2014 Annual Report the County failed to document visual observations for unauthorized non-storm water discharges for each drainage area at the Facility.

270. Channelkeeper is informed and believes, and thereon alleges, that the County failed to conduct visual observations for unauthorized non-storm water discharges for each drainage area at the Facility in the 2013-2014 reporting year.

271. Channelkeeper is informed and believes, and thereon alleges, that in Section G of the 2013-2014 Annual Report the County reported that it did not conduct visual observations of a storm event in October, December, January, March, April or May.

272. Channelkeeper is informed and believes, and thereon alleges, that in Form 4 of the 2013-2014 Annual Report the County did not document eligible storm events that did not result in storm water discharge for the months of October, December, January, March, April or May, as required by Section G(1) and Form 4 of the 2013-2014 Annual Report.

273. Channelkeeper is informed and believes, and thereon alleges, that in the 2013-2014 Annual Report, for each month from May through October, the County failed to document visual observations of storm water discharges conducted for each discharge location at the Facility.

274. Channelkeeper is informed and believes, and thereon alleges, that in the 2013-2014 Wet Season the County failed to conduct visual observations of storm water discharges for each discharge location at the Facility for each month from May through October.

of Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2013-2014 Annual Report, the County reported that on 11/6/2013 it identified a NSWD of "[t]ipping pad wash water" and reported that the source and location of the NSWD is "Transfer Station", and that "Cloudy, floating debris, odor" was observed at the unauthorized NSWD source.

262. Channelkeeper is informed and believes, and thereon alleges, that the County failed to report a date that the unauthorized NSWD would be eliminated by, as required by Section F(2)(d)(vi) of the 2013-2014 Annual Report.

263. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2013-2014 Annual Report, the County reported "YES" to the question "Were there indications of prior unauthorized NSWD?" for the Quarter: January-March.

264. Channelkeeper is informed and believes, and thereon alleges, that on Side B of Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2013-2014 Annual Report, the County reported that on 1/16/2014 it identified a NSWD of "[t]ipping pad wash water" and reported that the source and location of the NSWD is "Transfer Station", and that "Cloudy, floating debris, odor" was observed at the unauthorized NSWD source.

265. Channelkeeper is informed and believes, and thereon alleges, that the County failed to report a date that the unauthorized NSWD would be eliminated by, as required by Section F(2)(d)(vi) of the 2013-2014 Annual Report.

266. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2013-2014 Annual Report, the County reported "YES" to the question "Were there indications of prior unauthorized NSWD?" for the Quarter: April-June.

267. Channelkeeper is informed and believes, and thereon alleges, that on Side B of Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2013-2014 Annual Report, the County reported that on 5/29/2014 it

E(6) of the 2013-2014 Annual Report the County reported "NO" to the question "Were all samples collected during the first hour of discharge?"

255. Channelkeeper is informed and believes, and thereon alleges, that in section F(2)(b) of the 2013-2014 Annual Report the County answered "YES" to the question that "Based upon the quarterly visual observations, were any unauthorized non-storm water discharges detected?"

256. Channelkeeper is informed and believes, and thereon alleges, that in section F(2)(c) of the 2013-2014 Annual Report, the County answered "NO" to the question that "Have each of the unauthorized non-storm water discharges been eliminated or permitted?"

257. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2013-2014 Annual Report, the County reported "YES" to the question "Were there indications of prior unauthorized NSWD?" for the Quarter: July-September.

258. Channelkeeper is informed and believes, and thereon alleges, that on Side B of Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2013-2014 Annual Report, the County reported that on 7/11/2013 it identified a NSWD of "[t]ipping pad wash water" and reported that the source and location of the NSWD is "Transfer Station", and that "Cloudy, floating debris, odor" was observed at the unauthorized NSWD source.

259. Channelkeeper is informed and believes, and thereon alleges, that the County failed to report a date that the unauthorized NSWD would be eliminated by, as required by Section F(2)(d)(vi) of the 2013-2014 Annual Report.

260. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2013-2014 Annual Report, the County reported "YES" to the question "Were there indications of prior unauthorized NSWD?" for the Quarter: October-December.

261. Channelkeeper is informed and believes, and thereon alleges, that on Side B

2012-2013 Annual Report the County failed to include required records of responses taken to eliminate and reduce pollutant contact with storm water.

246. Channelkeeper is informed and believes, and thereon alleges, that the County failed to collect storm water samples from each discharge location at the Facility during the 2012-2013 Wet Season.

247. Channelkeeper is informed and believes, and thereon alleges, that during the 2012-2013 Wet Season the County failed to analyze storm water samples for all parameters required by the Storm Water Permit Table D.

248. Channelkeeper is informed and believes, and thereon alleges, that during the 2012-2013 Wet Season the County failed to analyze storm water samples for all parameters likely to be present in discharges in significant quantities as required by the Storm Water Permit.

249. Channelkeeper is informed and believes, and thereon alleges, that during the 2012-2013 Wet Season the County failed to analyze for pollutants listed as causing impairment in the Receiving Waters.

250. Channelkeeper is informed and believes, and thereon alleges, that the County failed to conduct an adequate ACSCE in the 2012-2013 reporting year.

251. Channelkeeper is informed and believes, and thereon alleges, that the County failed to include required reports of incidents of non-compliance and corrective actions taken in the 2012-2013 Annual Report.

252. Channelkeeper is informed and believes, and thereon alleges, that the County failed to include required explanations of why the County did not implement activities required by the Storm Water Permit in the 2012-2013 Annual Report.

iv. 2013-2014 Annual Report.

253. Channelkeeper is informed and believes, and thereon alleges, that in section E(1) of the 2013-2014 Annual Report the County reported that it sampled one (1) storm event.

254. Channelkeeper is informed and believes, and thereon alleges, that in section

239. Channelkeeper is informed and believes, and thereon alleges, that on Form 4 of the 2012-2013 Annual Report for each month that the County conducted visual observations of storm water discharges the County reported "None" in response to what revised or new BMPs would be implemented.

240. Channelkeeper is informed and believes, and thereon alleges, that the County did not complete or otherwise submit the information required in Form 5 of the 2012-2013 Annual Report.

241. Channelkeeper is informed and believes, and thereon alleges, that in Section H of the 2012-2013 Annual Report entitled Annual Comprehensive Site Compliance Evaluation (ACSCE) Checklist, the County answered "Yes" to each question in that checklist.

242. Channelkeeper is informed and believes, and thereon alleges, that in Section J of the 2012-2013 Annual Report the County answered "NO" to the question "Based upon your ACSCE do you certify compliance with the Industrial Activities Storm Water General Permit?"

243. Channelkeeper is informed and believes, and thereon alleges, that in the "Attachment to ACSCE Evaluation Report Explanation of No Answers in Annual Report" of the 2012-2013 Annual Report, the County's explanation for its "NO" answer to Section J was that municipal solid waste is deposited on a uncovered tipping pad allowing rainwater to contact the deposited waste material and run off site.

244. Channelkeeper is informed and believes, and thereon alleges, that in the "Attachment to ACSCE Evaluation Report Explanation of No Answers in Annual Report" of the 2012-2013 Annual Report, the County's explanation for its "NO" answer to Section J was that water is sprayed on the tipping pad to control dust and some of the water enters a nearby storm drain which flows into a clarifier and associated tank, and that a small quantity of dust control water remains in the clarifier tank that mixes with storm water and is discharged off-site.

245. Channelkeeper is informed and believes, and thereon alleges, that in the

232. Channelkeeper is informed and believes, and thereon alleges, that in Form 4 of the 2012-2013 Annual Report the County did not document eligible storm events that did not result in storm water discharge for the month of April as required by Section G(1) and Form 4 of the 2012-2013 Annual Report.

233. Channelkeeper is informed and believes, and thereon alleges, that in Section G of the 2012-2013 Annual Report the County reported that it did not conduct visual observations of a storm event in October, February, April or May.

234. Channelkeeper is informed and believes, and thereon alleges, that in Form 4 of the 2012-2013 Annual Report the County did not report eligible storm events that did not result in storm water discharge for the months of October, February, April or May, as required by Section G(1) and Form 4 of the 2012-2013 Annual Report.

235. Channelkeeper is informed and believes, and thereon alleges, that in the 2012-2013 Annual Report, for each month from May through October, the County failed to document visual observations of storm water discharges conducted for each discharge location at the Facility.

236. Channelkeeper is informed and believes, and thereon alleges, that in the 2012-2013 Wet Season the County failed to conduct visual observations of storm water discharges for each discharge location at the Facility for each month from May through October.

237. Channelkeeper is informed and believes, and thereon alleges, that on Form 4 of the 2012-2013 Annual Report for each month that the County conducted visual observations of storm water discharges the County reported "YES" to the question "Were pollutants observed?"

238. Channelkeeper is informed and believes, and thereon alleges, that on Form 4 of the 2012-2013 Annual Report for each month that the County conducted visual observations of storm water discharges the County identified "Waste material deposited at the transfer station" as the source of pollutants in storm water discharge visual observations.

identified a NSWD of "[t]ipping pad wash water" and reported that the source and location of the NSWD is "Transfer Station", and that "Cloudy, floating debris, odor" was observed at the unauthorized NSWD source.

225. Channelkeeper is informed and believes, and thereon alleges, that the County failed to report a date that the unauthorized NSWD would be eliminated by, as required by Section F(2)(d)(vi) of the 2012-2013 Annual Report.

226. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2012-2013 Annual Report, the County reported "YES" to the question "Were there indications of prior unauthorized NSWD?" for the Quarter: April-June.

227. Channelkeeper is informed and believes, and thereon alleges, that on Side B of Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2012-2013 Annual Report, the County reported that on 4/8/2013 it identified a NSWD of "[t]ipping pad wash water" and reported that the source and location of the NSWD is "Transfer Station", and that "Cloudy, floating debris, odor" was observed at the unauthorized NSWD source.

228. Channelkeeper is informed and believes, and thereon alleges, that the County failed to report a date that the unauthorized NSWD would be eliminated by, as required by Section F(2)(d)(vi) of the 2012-2013 Annual Report.

229. Channelkeeper is informed and believes, and thereon alleges, that in the 2012-2013 Annual Report the County failed to document visual observations for unauthorized non-storm water discharges for each drainage area at the Facility.

230. Channelkeeper is informed and believes, and thereon alleges, that the County failed to conduct visual observations for unauthorized non-storm water discharges for each drainage area at the Facility in the 2012-2013 reporting year.

231. Channelkeeper is informed and believes, and thereon alleges, that in Section G of the 2012-2013 Annual Report the County reported that it did not conduct visual observations of a storm event in April.

of Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2012-2013 Annual Report, the County reported that on 7/26/2012 it identified a NSWD of "[t]ipping pad wash water" and reported that the source and location of the NSWD is "Transfer Station", and that "Cloudy, floating debris, odor" was observed at the unauthorized NSWD source.

219. Channelkeeper is informed and believes, and thereon alleges, that the County failed to report a date that the unauthorized NSWD would be eliminated by, as required by Section F(2)(d)(vi) of the 2012-2013 Annual Report.

220. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2012-2013 Annual Report, the County reported "YES" to the question "Were there indications of prior unauthorized NSWD?" for the Quarter: October -December.

221. Channelkeeper is informed and believes, and thereon alleges, that on Side B of Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2012-2013 Annual Report, the County reported that on 10/24/2012 it identified a NSWD of "[t]ipping pad wash water" and reported that the source and location of the NSWD is "Transfer Station", and that "Cloudy, floating debris, odor" was observed at the unauthorized NSWD source.

222. Channelkeeper is informed and believes, and thereon alleges, that the County failed to report a date that the unauthorized NSWD would be eliminated by, as required by Section F(2)(d)(vi) of the 2012-2013 Annual Report.

223. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2012-2013 Annual Report, the County reported "YES" to the question "Were there indications of prior unauthorized NSWD?" for the Quarter: January-March.

224. Channelkeeper is informed and believes, and thereon alleges, that on Side B of Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2012-2013 Annual Report, the County reported that on 1/24/2013 it

210. Channelkeeper is informed and believes, and thereon alleges, that during the 2011-2012 Wet Season the County failed to analyze for pollutants listed as causing impairment in the Receiving Waters.

211. Channelkeeper is informed and believes, and thereon alleges, that the County failed to conduct an adequate ACSCE in the 2011-2012 reporting year.

212. Channelkeeper is informed and believes, and thereon alleges, that the County failed to include required reports of incidents of non-compliance and corrective actions taken in the 2011-2012 Annual Report.

213. Channelkeeper is informed and believes, and thereon alleges, that the County failed to include required explanations of why the County did not implement activities required by the Storm Water Permit in the 2011-2012 Annual Report.

iii. 2012-2013 Annual Report.

214. Channelkeeper is informed and believes, and thereon alleges, that in section E(6) of the 2012-2013 Annual Report the County reported "NO" to the question "Were all samples collected during the first hour of discharge?"

215. Channelkeeper is informed and believes, and thereon alleges, that in section F(2)(b) of the 2012-2013 Annual Report, the County answered "YES" to the question that "Based upon the quarterly visual observations, were any unauthorized non-storm water discharges detected?"

216. Channelkeeper is informed and believes, and thereon alleges, that in section F(2)(c) of the 2012-2013 Annual Report, the County answered "NO" to the question that "Have each of the unauthorized non-storm water discharges been eliminated or permitted?"

217. Channelkeeper is informed and believes, and thereon alleges, that in Form 3-Quarterly Visual Observations of Unauthorized Non-Storm Water Discharges (NSWD) of the 2012-2013 Annual Report, the County reported "YES" to the question "Were there indications of prior unauthorized NSWD?" for the Quarter: July-September.

218. Channelkeeper is informed and believes, and thereon alleges, that on Side B

J of the 2011-2012 Annual Report the County answered "NO" to the question "Based upon your ACSCE do you certify compliance with the Industrial Activities Storm Water General Permit?"

204. Channelkeeper is informed and believes, and thereon alleges, that in the "Attachment to ACSCE Evaluation Report Explanation of No Answers in Annual Report" of the 2011-2012 Annual Report, the County's explanation for its "NO" answer to Section J was that municipal solid waste is deposited on a uncovered tipping pad allowing rainwater to contact the deposited waste material and run off-site.

205. Channelkeeper is informed and believes, and thereon alleges, that in the "Attachment to ACSCE Evaluation Report Explanation of No Answers in Annual Report" of the 2011-2012 Annual Report, the County's explanation for its "NO" answer to Section J was that water is sprayed on the tipping pad to control dust and some of the water enters a nearby storm drain which flows into a clarifier and associated tank, and that a small quantity of dust control water remains in the clarifier tank that mixes with storm water and is discharged off-site.

206. Channelkeeper is informed and believes, and thereon alleges, that in the 2011-2012 Annual Report the County failed to include required records of responses taken to eliminate and reduce pollutant contact with storm water.

207. Channelkeeper is informed and believes, and thereon alleges, that the County failed to collect storm water samples from each discharge location at the Facility during the 2011-2012 Wet Season.

208. Channelkeeper is informed and believes, and thereon alleges, that during the 2011-2012 Wet Season the County failed to analyze storm water samples for all parameters required by the Storm Water Permit Table D.

209. Channelkeeper is informed and believes, and thereon alleges, that during the 2011-2012 Wet Season the County failed to analyze storm water samples for all parameters likely to be present in discharges in significant quantities as required by the Storm Water Permit.

Exhibit A to Complaint

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective/Standard	Magnitude of WQO/WQS Exceedance
1/23/12 12:17	Aluminum (Al)	TS3	8.9	mg/L	0.75	11.87	see Basin Plan, §II.A.2.a	
1/23/12 12:17	Copper (Cu)	TS3	0.057	mg/L	0.0123	4.63	0.014	4.07
1/23/12 12:17	Lead (Pb)	TS3	0.094	mg/L	0.069	1.36	0.082	1.15
1/23/12 12:17	Zinc (Zn)	TS3	0.51	mg/L	0.11	4.64	0.12	4.25
1/23/12 12:17	Total Organic Carbon (TOC)	TS3	35	mg/L	100	0	see Basin Plan, §II.A.2.a	
2012/2013 Wet Season								
11/28/12 12:08	Total Suspended Solids (TSS)	TS3	1200	mg/L	100	12	see Basin Plan, §II.A.2.a	
11/28/12 12:08	Oil and Grease	TS3	4.8	mg/L	15	0	see Basin Plan, §II.A.2.a	
11/28/12 12:08	Electrical Conductivity @ 25 Deg. C	TS3	1104	umhos/cm	200	5.52	see Basin Plan, §II.A.2.a	
11/28/12 12:08	Chemical Oxygen Demand (COD)	TS3	1300	mg/L	120	10.83	see Basin Plan, §II.A.2.a	
11/28/12 12:08	pH	TS3	7.75	SU	6.0-9.0	0	7.0-8.3	0
11/28/12 12:08	Iron (Fe)	TS3	35	mg/L	1	35	see Basin Plan, §II.A.2.a	
11/28/12 12:08	Aluminum (Al)	TS3	21	mg/L	0.75	28	see Basin Plan, §II.A.2.a	
11/28/12 12:08	Copper (Cu)	TS3	0.2	mg/L	0.0123	16.26	0.014	14.29
11/28/12 12:08	Lead (Pb)	TS3	0.27	mg/L	0.069	3.91	0.082	3.29
11/28/12 12:08	Zinc (Zn)	TS3	1.5	mg/L	0.11	13.64	0.12	12.50
11/28/12 12:08	Total Organic Carbon (TOC)	TS3	190	mg/L	100	1.9	see Basin Plan, §II.A.2.a	
1/24/13 10:29	Total Suspended Solids (TSS)	TS3	320	mg/L	100	3.2	see Basin Plan, §II.A.2.a	
1/24/13 10:29	Oil and Grease	TS3	13	mg/L	15	0	see Basin Plan, §II.A.2.a	
1/24/13 10:29	Electrical Conductivity @ 25 Deg. C	TS3	737	umhos/cm	200	3.69	see Basin Plan, §II.A.2.a	
1/24/13 10:29	Chemical Oxygen Demand (COD)	TS3	600	mg/L	120	5	see Basin Plan, §II.A.2.a	

Exhibit A to Complaint

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective/Standard	Magnitude of WQO/WQS Exceedance
1/24/13 10:29	pH	TS3	8.1	SU	6.0-9.0	0	7.0-8.3	0
1/24/13 10:29	Iron (Fe)	TS3	13	mg/L	1	13	see Basin Plan, §II.A.2.a	
1/24/13 10:29	Aluminum (Al)	TS3	8.7	mg/L	0.75	11.6	see Basin Plan, §II.A.2.a	
1/24/13 10:29	Copper (Cu)	TS3	0.59	mg/L	0.0123	47.97	0.014	42.14
1/24/13 10:29	Lead (Pb)	TS3	0.06	mg/L	0.069	0	0.082	0
1/24/13 10:29	Zinc (Zn)	TS3	0.5	mg/L	0.11	4.55	0.12	4.17
1/24/13 10:29	Total Organic Carbon (TOC)	TS3	170	mg/L	100	1.7	see Basin Plan, §II.A.2.a	
2/6/14 16:09	Total Suspended Solids (TSS)	TS3	440	mg/L	100	4.4	see Basin Plan, §II.A.2.a	
2/6/14 16:09	Oil and Grease	TS3	4	mg/L	15	0	see Basin Plan, §II.A.2.a	
2/6/14 16:09	Electrical Conductivity @ 25 Deg. C	TS3	1.288	umhos/cm	200	0	see Basin Plan, §II.A.2.a	
2/6/14 16:09	Chemical Oxygen Demand (COD)	TS3	900	mg/L	120	7.5	see Basin Plan, §II.A.2.a	
2/6/14 16:09	pH	TS3	8.4	SU	6.0-9.0	0	7.0-8.3	1.3
2/6/14 16:09	Iron (Fe)	TS3	15	mg/L	1	15	see Basin Plan, §II.A.2.a	
2/6/14 16:09	Aluminum (Al)	TS3	12	mg/L	0.75	16	see Basin Plan, §II.A.2.a	
2/6/14 16:09	Copper (Cu)	TS3	0.094	mg/L	0.0123	7.64	0.014	6.71
2/6/14 16:09	Lead (Pb)	TS3	0.081	mg/L	0.069	1.17	0.082	0
2/6/14 16:09	Zinc (Zn)	TS3	0.59	mg/L	0.11	5.36	0.12	4.92
2/6/14 16:09	Total Organic Carbon (TOC)	TS3	250	mg/L	100	2.5	see Basin Plan, §II.A.2.a	
12/2/14 12:15	Total Suspended Solids (TSS)	TS3	420	mg/L	100	4.2	see Basin Plan, §II.A.2.a	

Exhibit A to Complaint

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective/Standard	Magnitude of WQO/WQS Exceedance
12/2/14 12:15	Oil and Grease	TS3	2.2	mg/L	15	0	see Basin Plan, §II.A.2.a	
12/2/14 12:15	Electrical Conductivity @ 25 Deg. C	TS3	2320	umhos/cm	200	11.6	see Basin Plan, §II.A.2.a	
12/2/14 12:15	Chemical Oxygen Demand (COD)	TS3	320	mg/L	120	2.67	see Basin Plan, §II.A.2.a	
12/2/14 12:15	pH	TS3	7.82	SU	6.0-9.0	0	7.0-8.3	0
12/2/14 12:15	Iron (Fe)	TS3	7.9	mg/L	1	7.9	see Basin Plan, §II.A.2.a	
12/2/14 12:15	Aluminum (Al)	TS3	5.5	mg/L	0.75	7.33	see Basin Plan, §II.A.2.a	
12/2/14 12:15	Lead (Pb)	TS3	0.039	mg/L	0.069	0	0.082	0
12/2/14 12:15	Zinc (Zn)	TS3	0.25	mg/L	0.11	2.27	0.12	2.08
4/7/15 13:05	Total Suspended Solids (TSS)	TS3	950	mg/L	100	9.5	see Basin Plan, §II.A.2.a	
4/7/15 13:05	Oil and Grease	TS3	19	mg/L	15	1.27	see Basin Plan, §II.A.2.a	
4/7/15 13:05	Electrical Conductivity @ 25 Deg. C	TS3	1600	umhos/cm	200	8	see Basin Plan, §II.A.2.a	
4/7/15 13:05	Chemical Oxygen Demand (COD)	TS3	1100	mg/L	120	9.17	see Basin Plan, §II.A.2.a	
4/7/15 13:05	pH	TS3	7.37	SU	6.0-9.0	0	7.0-8.3	0
4/7/15 13:05	Iron (Fe)	TS3	26	mg/L	1	26	see Basin Plan, §II.A.2.a	
4/7/15 13:05	Aluminum (Al)	TS3	18	mg/L	0.75	24	see Basin Plan, §II.A.2.a	
4/7/15 13:05	Lead (Pb)	TS3	0.19	mg/L	0.069	2.75	0.082	2.32
4/7/15 13:05	Zinc (Zn)	TS3	1.2	mg/L	0.11	10.91	0.12	10.00
SAMPLING CONDUCTED BY SANTA BARBARA CHANNELKEEPER								
12/2/14 9:30	Total Suspended Solids (TSS)	Lower Driveway drop inlet-TS-1	800	mg/L	100	8	see Basin Plan, §II.A.2.a	
12/2/14 9:30	Oil and Grease	Lower Driveway drop inlet-TS-1	11	mg/L	15	0	see Basin Plan, §II.A.2.a	
12/2/14 9:30	Specific Conductance	Lower Driveway drop inlet-TS-1	301	umhos/cm	200	1.51	see Basin Plan, §II.A.2.a	

Exhibit A to Complaint

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective/Standard	Magnitude of WQO/WQS Exceedance
12/2/14 9:30	pH	Lower Driveway drop inlet-TS-1	5.8	SU	6.0-9.0	2.0	7.0-8.3	15.8
12/2/14 9:30	Aluminum (Al)	Lower Driveway drop inlet-TS-1	1.5	mg/L	0.75	2	see Basin Plan, §II.A.2.a	
12/2/14 9:30	Copper (Cu)	Lower Driveway drop inlet-TS-1	0.026	mg/L	0.0123	2.11	0.014	1.86
12/2/14 9:30	Lead (Pb)	Lower Driveway drop inlet-TS-2	0.0106	mg/L	0.069	0	0.082	0
12/2/14 9:30	Zinc (Zn)	Lower Driveway drop inlet-TS-1	0.09	mg/L	0.11	0	0.12	0
2/7/15 0:00	Total Suspended Solids (TSS)	Upper Driveway drop inlet-TS-1	108	mg/L	100	1.08	see Basin Plan, §II.A.2.a	
2/7/15 0:00	Aluminum (Al)	Upper Driveway drop inlet-TS-1	0.74	mg/L	0.75	0	see Basin Plan, §II.A.2.a	
2/7/15 0:00	Copper (Cu)	Upper Driveway drop inlet-TS-1	0.025	mg/L	0.0123	2.03	0.014	1.79
2/7/15 0:00	Lead (Pb)	Upper Driveway drop inlet-TS-1	0.0165	mg/L	0.069	0	0.082	0
2/7/15 0:00	Zinc (Zn)	Upper Driveway drop inlet-TS-1	0.1	mg/L	0.11	0	0.12	0
2/7/15 0:00	Escherichia coli (E. coli)	Upper Driveway drop inlet-TS-1	15531	MPN/100 ml	none	0	576	26.96
2/7/15 0:00	Total Coliform	Upper Driveway drop inlet-TS-1	>24192	MPN/100 ml	none	0	400	>60
2/7/15 0:00	Total Suspended Solids (TSS)	Lower Driveway drop inlet-TS-2	130	mg/L	100	1.3	see Basin Plan, §II.A.2.a	
2/7/15 0:00	Aluminum (Al)	Lower Driveway drop inlet-TS-2	4.3	mg/L	0.75	5.73	see Basin Plan, §II.A.2.a	
2/7/15 0:00	Copper (Cu)	Lower Driveway drop inlet-TS-2	0.028	mg/L	0.0123	2.28	0.014	2.00
2/7/15 0:00	Lead (Pb)	Lower Driveway drop inlet-TS-2	0.0198	mg/L	0.069	0	0.082	0
2/7/15 0:00	Zinc (Zn)	Lower Driveway drop inlet-TS-2	0.14	mg/L	0.11	1.27	0.12	1.17
2/7/15 0:00	Escherichia coli (E. coli)	Lower Driveway drop inlet-TS-2	9804	MPN/100 ml	none	0	576	17.02
2/7/15 0:00	Total Coliform	Lower Driveway drop inlet-TS-2	>24192	MPN/100 ml	none	0	400	>60
11/15/15 0:00	Aluminum (Al)	Lower Driveway drop inlet-TS-1	3.6	mg/L	0.75	4.8	see Basin Plan, §II.A.2.a	
11/15/15 0:00	Copper (Cu)	Lower Driveway drop inlet-TS-1	0.05	mg/L	0.0123	4.07	0.014	3.57

Exhibit A to Complaint

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective/Standard	Magnitude of WQO/WQS Exceedance
11/15/15 0:00	Iron (Fe)	Lower Driveway drop inlet-TS-1	6.26	mg/L	1	6.26	see Basin Plan, §II.A.2.a	
11/15/15 0:00	Lead (Pb)	Lower Driveway drop inlet-TS-1	0.03	mg/L	0.069	0	0.082	0
11/15/15 0:00	Zinc (Zn)	Lower Driveway drop inlet-TS-1	0.29	mg/L	0.11	2.64	0.12	2.43
11/15/15 0:00	TSS	Lower Driveway drop inlet-TS-1	670	mg/L	100	6.7	see Basin Plan, §II.A.2.a	
11/15/15 0:00	Aluminum (Al)	Upper Driveway drop inlet-TS-2	3.4	mg/L	0.75	4.53	see Basin Plan, §II.A.2.a	
11/15/15 0:00	Copper (Cu)	Upper Driveway drop inlet-TS-2	0.07	mg/L	0.0123	5.69	0.014	5
11/15/15 0:00	Iron (Fe)	Upper Driveway drop inlet-TS-2	5.06	mg/L	1	5.06	see Basin Plan, §II.A.2.a	
11/15/15 0:00	Lead (Pb)	Upper Driveway drop inlet-TS-2	0.07	mg/L	0.069	1.01	0.082	0
11/15/15 0:00	Zinc (Zn)	Upper Driveway drop inlet-TS-2	0.39	mg/L	0.11	3.55	0.12	3.25
11/15/15 0:00	TSS	Upper Driveway drop inlet-TS-2	315	mg/L	100	3.15	see Basin Plan, §II.A.2.a	
ND= Not Present above Detection Level Used								

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VIA CERTIFIED MAIL

October 8, 2015

Managing Agent
Santa Barbara County Transfer Station
4430 Calle Real
Santa Barbara, California 93110

County of Santa Barbara
105 East Anapamu Street
Santa Barbara, California 93101

Re: Notice of Violation and Intent to File Suit Under the Clean Water Act.

To Whom It May Concern:

I am writing on behalf of Santa Barbara Channelkeeper ("Channelkeeper") in regard to violations of the Federal Water Pollution Control Act ("Clean Water Act" or "CWA")[1] and California's Storm Water Permit[1] occurring at the Santa Barbara County Transfer Station, located at 4430 Calle Real in Santa Barbara, California (hereinafter "County Transfer Station" or "Facility"). The purpose of this letter ("Notice Letter"), issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act, is to put Santa Barbara County (hereinafter referred to as "the County ") on notice of the violations of the Storm Water Permit occurring at the County Transfer Station, including, but not limited to, violations caused by discharges of polluted storm water from the Facility. Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, the County is liable for violations of the Storm Water Permit and the Clean Water Act.

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to file suit. Notice must be given to the alleged violator, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the chief administrative officer of the water pollution control agency in the State in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation. This Notice Letter is being sent to you as the responsible officer, and/or operator of the Facility, or as the registered agent for these individuals and entities. By this Notice Letter, Channelkeeper puts the County on notice that, after the expiration of sixty (60) days from the date of this Notice Letter, Channelkeeper intends to file an enforcement action in Federal court against.

[1] Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*
[1] National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ ("1992 Storm Water Permit"), reissued by Order No. 97-03-DWQ ("1997 Storm Water Permit"), and next reissued by Order 2014-0057-DWQ ("2014 Storm Water Permit"). The terms of the 2014 Storm Water Permit, which took effect on July 2, 2015, are as stringent, or more stringent, than the 1997 Storm Water Permit.

the County for violations of the Storm Water Permit and the Clean Water Act.

I. Background.

A. Santa Barbara Channelkeeper.

Channelkeeper is a non-profit public benefit corporation whose mission is to protect and enhance the water quality of the Santa Barbara Channel and its tributaries for the benefit of its ecosystems and the surrounding human communities. Channelkeeper accomplishes its mission through science-based advocacy, education, field work, and enforcement of environmental laws. Specifically, Channelkeeper and its members: (a) monitor and participate in the activities of local, state, and federal agencies, ranging from individual discharge permitting and enforcement efforts to the development of policies and programs affecting local pollution issues; (b) monitor the Santa Barbara Channel and its tributaries through its network of member volunteers to identify illegal sources of pollution; (c) investigate and report illegal discharges identified through monitoring or through examination and analysis of self-monitoring reports of discharges into local waterways; and (d) actively support, and when necessary supplement through citizen suits, the effective enforcement of the Clean Water Act by federal and state agencies. Channelkeeper and its members also play an important role in contributing to the health of the Santa Barbara Channel through a variety of programs, including river monitoring and scientific data collection.

Channelkeeper's address and contact information is as follows:

Kira Redmond
Santa Barbara Channelkeeper
714 Bond Ave
Santa Barbara, CA 93103
Phone: (805) 563-3377
Fax: (805) 687-5635

Channelkeeper's members sail, swim, surf, kayak, dive, picnic, fish, hike, and enjoy the wildlife in and around the waters that receive the polluted discharges from the Facility including the Goleta Slough and Goleta Beach and their tributaries, and the Pacific Ocean. Information available to Channelkeeper indicates that the County discharges polluted storm water to the waters that Channelkeeper members use and enjoy. These discharges of storm water and associated pollutants, which are ongoing and continuous, degrade water quality and harm aquatic life in these waters. As a result, Channelkeeper's members' use and enjoyment of these waters has been and continues to be adversely impacted by the discharge of polluted storm water from the Facility, and will continue to be adversely affected by the County's failure to comply with the Storm Water Permit and the Clean Water Act.

B. The Owner and Operator of the Santa Barbara County Transfer Station.

Information available to Channelkeeper indicates that Santa Barbara County is the

owner and operator of the County Transfer Station. A discharger of industrial storm water, like the County, is required to apply for coverage under the Storm Water Permit by submitting a Notice of Intent ("NOI") to obtain Storm Water Permit coverage to the State Water Resources Control Board ("State Board").[1] Information available to Channelkeeper indicates that the County has been covered under the Storm Water Permit since the 1990s. The County filed a revised NOI, as well as a revised Storm Water Pollution Prevention Plan ("SWPPP") to address some of the new requirements in the 2014 Storm Water Permit, which was submitted via California's Storm Water Multiple Application and Report Tracking System ("SMARTS"). Channelkeeper obtained the revised SWPPP, which was signed on June 25, 2015 (hereinafter referred to as the "2015 SWPPP"). Channelkeeper also obtained the County's 2014 SWPPP in effect prior to the 2015 SWPPP.

As explained herein, the County is liable for violations of the Storm Water Permit and the Clean Water Act occurring at the County Transfer Station.

C. Storm Water Pollution.

With every significant rainfall event millions of gallons of polluted storm water originating from industrial operations such as the County Transfer Station pour into storm drains and the local waterways. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and aquatic dependent wildlife. These contaminated discharges can and must be controlled for the ecosystem to regain its health.

Polluted discharges from facilities such as the County Transfer Station contain a variety of pollutants including but not limited to dust, debris, bacteria, nutrients and pathogens, metals (such as copper, zinc, aluminum, iron and lead), oil and grease ("O&G"), hydraulic fluids, transmission fluid, solvents, detergents, aromatic hydrocarbons, and antifreeze. Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, developmental, or reproductive harm. Discharges of polluted storm water from the Facility pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

The storm water discharged from the Facility enters Hospital Creek, a tributary to Atascadero Creek, which discharges to the Goleta Slough, which discharges to the Pacific Ocean at Goleta Beach (hereinafter "Receiving Waters").[2] The Receiving Waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically diminished once-abundant and varied fisheries, the Receiving Waters are still essential habitat for dozens of fish and bird species as well as macro-invertebrate and invertebrate species. Storm water contaminated with sediment, metals and other pollutants harm the special aesthetic and recreational significance that the Receiving Waters have for people in

[1] Finding 3, Storm Water Permit.
[2] The County lists the receiving water as "Hospital Creek tributary to Atascadero Creek."

the surrounding communities. The public's use of the Receiving Waters for water contact recreation exposes many people to toxic metals and other contaminants in storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

Polluted discharges from the Facility into area storm drains cause and/or contribute to the impairment of water quality in the Receiving Waters. The Central Coast Regional Water Quality Control Board's ("Regional Board") Water Quality Control Plan for the Central Coast Basin ("Basin Plan") lists the Beneficial Uses for the Atascadero Creek include: municipal and domestic supply (MUN), Agricultural Supply (AGR), Ground Water Recharge (GWR), water contact recreation (REC 1), non-contact water recreation (REC 2), wildlife habitat (WILD), Cold Fresh Water Habitat (COLD), Spawning, Reproduction, and/or Early Development (SPWN), Rare, Threatened or Endangered Species (RARE), and Commercial and Sport Fishing (COMM). *See* Basin Plan, Table 2-1. The Goleta Slough's listed beneficial uses are water contact recreation (REC 1), non-contact water recreation (REC 2), wildlife habitat (WILD), warm freshwater habitat (WARM), Migration of Aquatic Organisms (MIGR), Spawning, Reproduction, and/or Early Development (SPWN) preservation of biological habitats of special significance (BIOL), Rare, Threatened or Endangered Species (RARE), estuarine habitat (EST), Commercial and Sport Fishing (COMM), and shellfish harvesting (SHELL).

Atascadero Creek has the third highest amount of total steelhead habitat (in miles) and has been ranked the fourth highest steelhead recovery priority creek in a regional analysis of 24 reaches along the Conception Coast. [Stoecker, Matt. 2002. Steelhead Assessment and Recovery Opportunities in Southern Santa Barbara County, California. Conception Coast Project.]

The State of California has listed the Atascadero Creek as impaired and unable to support beneficial uses pursuant to Section 303(d) of the Clean Water Act.[3] Specifically, California has listed Atascadero Creek as impaired for the following pollutants: Chloride, Enterococcus, Escherichia coli (E. coli), fecal coliform, low dissolved oxygen, sodium, temperature, and pH. The Goleta Slough is 303(d) listed for pathogens and priority organics. The Pacific Ocean at Goleta Beach is 303(d) listed for total coliform. Polluted discharges from the County Transfer Station contribute to the ongoing degradation of these already impaired surface waters and of the ecosystems that depend on them.

D. <u>County Transfer Station Site Description.</u>

The County Transfer Station is a municipal solid waste transfer and recycling station. According to the 2015 SWPPP, the Facility receives approximately 300 tons per day of solid waste from the public and commercial sources. *See* 2015 SWPPP, Section 4.1. The County Transfer Station NOI states that the Facility is 7 acres in size. However, the 2015

[3] 2010 Integrated Report – All Assessed Waters, available at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml (last accessed on April 8, 2014).

SWPPP states that the Facility occupies 7.5 acres, 5.5 of which is paved. *See* 2015 SWPPP, Section 3.4.

The Facility NOI states the County Transfer Station Waste Discharge Identification ("WDID") number is *"3 421002681"* and the Standard Industrial Classification ("SIC") code of regulated activities is 4212: local trucking without storage, and 5093: scrap recycling facilities. Facilities identified under SIC code 4212 must obtain coverage for "the portions of the facility involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication)." Storm Water Permit, Attachment 1; 2014 Storm Water Permit, Attachment A. However, the industrial activities that occur throughout the Facility involve vehicle maintenance, vehicle rehabilitation, repairs, painting, fueling, and lubrication and therefore permit coverage for the entire Facility is required. In addition, industrial operations falling under SIC code 5093 require Permit coverage for the entire facility. Moreover, information available to Channelkeeper indicates that SIC code 4953: hazardous waste treatment storage or disposal, also applies to the Facility as the County identifies hazardous waste storage activities on site. Facilities classified under SIC code 4953 also require coverage for the entire site. *See* 2015 SWPPP, Section 4.1.[4]

Information available to Channelkeeper indicates that the following industrial activities are conducted at the County Transfer Station: commercial and residential solid waste and recyclable material pick up, processing, sorting, unloading, loading, shipping, storage, and recycling; maintaining solid waste off-road vehicles; and diesel refueling. Information available to Channelkeeper indicates that the County stores, processes and transports green waste, household hazardous waste, and electronic waste. Servicing and maintaining of vehicles and heavy equipment also occurs throughout the County Transfer Station. Information available to Channelkeeper indicates that municipal solid waste, recyclable materials, construction and demolition debris, household hazardous waste, electronic waste, and unprocessed green and wood waste are stored and processed outdoors without adequate cover or containment, and near driveways leading out of the Facility. Information available to Channelkeeper indicates that industrial activities at the County Transfer Station are conducted outdoors without adequate cover to prevent storm water and non-stormwater exposure to pollutant sources, and without secondary containment or other measures to prevent polluted storm water and non-stormwater from discharging from the Facility.

The County Transfer Station 2015 SWPPP states that the following unloading areas are located at the Facility: Westerly Tipping Floor, Easterly Tipping Floor, and Northerly Tipping Floor. *See* 2015 SWPPP, Section 4. There is also a Scale House, a Maintenance Shop, a Waste Tire Storage Area, and a Hazardous Material Collection and Storage Area at the Facility. *See id.* The County also identifies the municipal solid waste transfer area, green waste area, the unloading of scrap metal storage area, the bottom of the active loading pit, recycling and material storage area, and dust control as potential pollutant sources. *See* 2015 SWPPP, Section 5. Each of these areas is a source of pollutants requiring BMP

[4] The County also has a hazardous waste generator permit. *See* 2015 SWPPP, Section 1.2.

implementation to prevent their exposure to storm water and non-stormwater, and the subsequent discharge of polluted storm water and non-stormwater from the Facility.

E. County Transfer Station Pollutants and Discharge Points at the Facility.

The 2015 SWPPP states that storm water at the Facility is collected in 10 drainage inlets, which convey the storm water to a network of underground pipes, which leads to a detention basin, and then a clarifier. *See* 2015 SWPPP, Section 4.9. In Annual Reports submitted to the Regional Board, as well as in the 2015 SWPPP, the County identifies one (1) storm water discharge collection point at the Facility, which is identified as TS3. The County further states that a clarifier on site is designed to remove some debris and floatable matter during low flows, which are sent to an on-site storage tank and drained to the sanitary sewer. *See* 2015 SWPPP, Section 3.3.3. However, the County reports that "[h]igh flows, such as during storm events, bypass the clarifier treatment." *See id.; see also* 2015 SWPPP, Section 4.9. The County states that storm water bypassing the clarifier discharges to a tributary of Hospital Creek, then to the County Flood Control system, then to Atascadero Creek and Goleta Beach. 2015 SWPPP, Section 4.9.

The pollutants associated with operations at the County Transfer Station include, but are not limited to: dust and debris, bacteria and pathogens; petroleum products including oil, gasoline, grease, diesel fuel; hydraulic fluids, transmission fluid, and antifreeze; solvents; detergents; total suspended solids ("TSS"); metals (such as copper, iron, lead, aluminum, and zinc); pH-affecting substances; nutrients; and other pollutants. The County's failure to develop and/or implement required best management practices ("BMPs") at the Facility results in the exposure of pollutants associated with industrial activities to precipitation.

II. Violations of the Clean Water Act and the Storm Water Permit.

A. Discharges of Polluted Storm Water from the County Transfer Station in Violation of the Storm Water Permit's Effluent Limitation.

Effluent Limitation (B)(3) of the 1997 Storm Water Permit, set forth at Effluent Limitation V(A) of the 2014 Storm Water Permit, requires dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve best available technology economically achievable ("BAT") for toxic pollutants[5] and best conventional pollutant control technology ("BCT") for conventional pollutants.[6] Information available to Channelkeeper demonstrates that the County has failed and continues to fail to develop and/or implement BMPs at the Facility that achieve compliance with the BAT/BCT standards. For example, piles of waste are

[5] Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.
[6] Conventional pollutants are listed at 40 C.F.R. § 401.16 and include Biological Oxygen Demand ("BOD"), TSS, O&G, pH, and fecal coliform.

stored and processed outdoors without cover or containment, vehicle and equipment maintenance and cleaning is conducted outdoors; fuel and chemical containers are stored outdoors without containment; rusted spare parts and components are stored outdoors without containment cover or containment; and the Facility uses inadequate sediment and tracking controls to retain sediment on site. In addition, the 2015 SWPPP does not have BMPs to address all the pollutants and pollutant sources at the Facility. *See* 2015 SWPPP, Section 6. Finally, many BMPs in the 2015 SWPPP which will prevent exposure of storm water to pollutants and pollutant sources are listed as potential, future BMPs. *See* 2015 SWPPP, Section 6.1.2. The lack of BMPs results in polluted storm water and non-stormwater discharges from the County Transfer Station into Receiving Waters in violation of the Storm Water Permit.

Consistent with the County's lack of adequate BMPs, the analytical results of storm water sampling at the Facility demonstrate that the County has failed and continues to fail to implement BAT/BCT. Specifically, Facility discharges have been consistently exceeding the EPA Benchmark Levels[7] for numerous pollutants for at least the past five years. *See* Exhibit B attached hereto sets forth a Table with the results of sampling at the Facility conducted by the County and Channelkeeper, and which are compared to EPA Benchmark Levels and water quality standards. EPA's Benchmarks Levels provide an objective standard to determine whether a facility's BMPs are successfully developed and implemented.[8] The repeated and significant exceedances of EPA Benchmark Levels as set forth in Exhibit B further demonstrates that the County has failed and continues to fail to develop and/or implement BMPs at the Facility as required to achieve compliance with the BAT/BCT standards.

As explained herein, Channelkeeper puts the County on notice that the Storm Water Permit's Effluent Limitation requirement to achieve BAT/BCT is violated every day the Facility discharges storm water without developing and/or implementing BMPs that achieve compliance with BAT/BCT. *See* Exhibit A (setting forth dates of significant rain events); *see also* Exhibit B (Table with the results of sampling at the Facility, which are compared to EPA Benchmark Levels and water quality standards.).[9] These discharge violations are ongoing and will continue every day the County discharges without developing and/or implementing BMPs that achieve compliance with the BAT/BCT

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[7] *See United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) Authorization to Discharge Under the National Pollutant Discharge Elimination System*, (73 Fed. Reg. 56,572) (2008) as modified effective February 26, 2009 ("MSGP"), *available at* http://www.epa.gov/npdes/pubs/msgp2008_finalfs.pdf.

[8] *See* MSGP at 35 and MSGP Fact Sheet at 95-106 (2008); *see also* 65 Fed. Reg. at 64766-67 (2000 MSGP) ("benchmarks also provide an appropriate level to determine whether a facility's storm water pollution prevention measures are successfully implemented.").

[9] A significant rain event is an event that produces storm water runoff, which according to EPA occurs with 0.1 inches or more of precipitation. *See* United States Environmental Protection Agency, NPDES Storm Water Sampling Guidance Document, July 1992.

standards. Channelkeeper will include additional violations as information and data become available.

Each day the County discharges without developing and/or implementing BMPs that achieve compliance with BAT/BCT in violation of the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act. *See* 1997 Storm Water Permit, Effluent Limitation B(3); 2014 Storm Water Permit, Effluent Limitation V(A); *see also* 33 U.S.C. § 1311(a). The County is liable for all violations of the 1997 Storm Water Permit from October 8, 2010 through June 30, 2015, and is liable for its violations of the 2014 Storm Water Permit beginning on July 1, 2015 when that permit took effect.

B. Discharges of Polluted Storm Water from the County Transfer Station in Violation of the Storm Water Permit's Receiving Water Limitations.

1. Discharges That Adversely Impact Human Health or The Environment.

Receiving Water Limitation C(1) of the 1997 Storm Water Permit, set forth at Receiving Water Limitation VI(B) of the 2014 Storm Water Permit, prohibits storm water discharges and authorized non-stormwater discharges to surface water that adversely impact human health or the environment. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact human health or the environment constitute violations of the Storm Water Permit and the Clean Water Act. *See* 1997 Storm Water Permit, Receiving Water Limitation C(1); 2014 Storm Water Permit, Receiving Water Limitation VI(B).

As explained herein, the Receiving Waters are impaired, and thus unable to support designated beneficial uses, for the same pollutants that the County is discharging from the County Transfer Station, including but not limited to E. coli, enterococcus, fecal coliform, nutrients, toxic organics, and pH. Channelkeeper puts the County on notice that the Storm Water Permit's Receiving Water Limitation on discharges that contain pollutants in concentrations that exceed levels known to adversely impact human health or the environment is violated each time polluted storm water discharges from the Facility. *See, e.g.,* Exhibit A (setting forth dates of significant rain events); *see also* Exhibit B (setting for a Table with the results of sampling at the Facility conducted by the County and Channelkeeper, which are compared to EPA Benchmark Levels and water quality standards). Information available to Channelkeeper indicates that these violations are ongoing and occur every time the County discharges storm water from the Facility. Channelkeeper will update the dates of violation when additional information and data becomes available.

Each time discharges of storm water from the County Transfer Station adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(1) of the Storm Water Permit, Receiving Water Limitation VI(B) of the

2014 Storm Water Permit, and the Clean Water Act. The County is liable for all violations of the 1997 Storm Water Permit from October 8, 2010 through June 30, 2015, and is liable for its violations of the 2014 Storm Water Permit beginning on July 1, 2015 when that permit took effect.

2. Discharges That Cause or Contribute to an Exceedance of an Applicable Water Quality Standard.

Receiving Water Limitation C(2) of the Storm Water Permit, set forth at VI(A) of the 2014 Storm Water Permit, prohibits storm water discharges and authorized non-stormwater discharges that cause or contribute to an exceedance of an applicable Water Quality Standard ("WQS").[10] Discharges that contain pollutants in excess of an applicable WQS violate the Storm Water Permit, and the Clean Water Act. *See* 1997 Storm Water Permit, Receiving Water Limitation C(2), the 2014 Storm Water Permit, Receiving Water Limitation VI(A).

The Receiving Waters are impaired, and thus unable to support designated beneficial uses, for the same pollutants that the County is discharging from the County Transfer Station, including but not limited to E. coli, enterococcus, fecal coliform, nutrients, and pH. Channelkeeper puts the County on notice that the Storm Water Permit's Receiving Water Limitation against discharge that cause or contribute to a violation of a WQS is violated each time storm water containing pollutants discharges from the Facility to the Receiving Waters. *See, e.g.,* Exhibit A (setting forth dates of significant rain events); *see also* Exhibit B (Table with the results of sampling at the Facility, which are compared to EPA Benchmark Levels and WQS. Information available to Channelkeeper indicates that these violations are ongoing and occur every time the County discharges storm water from the Facility. Channelkeeper will update the dates of violation when additional information and data becomes available.

Each time discharges of storm water from the Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of the Storm Water Permit. *See* 1997 Storm Water Permit, Receiving Water Limitation C(2), 2014 Storm Water Permit, Receiving Water Limitation VI(A); *see also* the Clean Water Act. The County is liable for all violations of the 1997 Storm Water Permit from October 8, 2010 through June 30, 2015, and is liable for its violations of the 2014 Storm Water Permit beginning on July 1, 2015 when that permit took effect.

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[10] WQSs include pollutant concentration levels determined by the State Board and the EPA to be protective of the Beneficial Uses of the receiving waters. Discharges above WQSs contribute to the impairment of the receiving waters' Beneficial Uses. Applicable WQSs include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR"). The Basin Plan also sets out additional applicable WQSs.

C. Discharges of Non-Stormwater in Violation of the Storm Water Permit's Discharge Prohibition.

Except for authorized non-stormwater discharges, the Storm Water Permit prohibits permittees from discharging liquids or materials other than storm water (non-stormwater) either directly or indirectly to waters of the United States. Prohibited non-stormwater discharges must be either eliminated or permitted by a separate NPDES permit. *See* 1997 Storm Water Permit, Discharge Prohibition A(1), 2014 Storm Water Permit, Discharge Prohibition III(B).

Information available to Channelkeeper indicates that operations at the Facility such as dust control and surface and vehicle washing results in unauthorized non-stormwater dischargers. For example, in the 2015 SWPPP the County reports that it uses several thousand gallons of water over the period of weeks for dust control at the Facility, such as spraying it on the tipping pad and landfill, and other working areas. The spraying and the runoff contacts waste materials and picks up pollutants. The unauthorized non-stormwater is directed to underground pipes leading to a clarifier, where it overflows when over capacity, or when it mixes with storm water and is discharged from the Facility. *See e.g.* 2015 SWPPP, Section 5; *see also* 2014-2015 Annual Report. Thus, this polluted non-stormwater either discharges directly from the Facility, or comingles with stormwater and is discharged. The County also reports in its Annual Reports that pollutants are observed in the unauthorized non-stormwater discharges and that the unauthorized non-stormwater discharges are not eliminated. *See* 2014-2015 Annual Report, Section F(2)(c), and Form 3. Information available to Channelkeeper indicates that the use of water for dust control and/or surface washing is an ongoing business practice at the Facility. Each time non-stormwater is discharged from the Facility is a violation of the Storm Water Permit. *See* 1997 Storm Water Permit , Discharge Prohibition A(1), 2014 Storm Water Permit, Discharge Prohibition III(B).

Each time the County discharges unauthorized non-stormwater is a separate and distinct violation of the Storm Water Permit and Clean Water Act. 1997 Storm Water Permit, Discharge Prohibition A(1), 2014 Storm Water Permit, Discharge Prohibition III(B). These violations are ongoing and will continue each time the County discharges prohibited non-stormwater to the Receiving Waters from the Facility. Channelkeeper will include additional violations when additional information and data become available. The County is liable for all violations of the 1997 Storm Water Permit from October 8, 2010 through June 30, 2015, and is liable for its violations of the 2014 Storm Water Permit beginning on July 1, 2015 when that permit took effect.

D. Failure to Develop, Implement, and/or Revise an Adequate Storm Water Pollution Prevention Plan in Violation of the Storm Water Permit.

The Storm Water Permit requires dischargers to have developed and implemented a SWPPP by October 1, 1992, or prior to beginning industrial activities, that meets all of the requirements of the Storm Water Permit. *See* 1997 Storm Water Permit, Section A(1) and

Provision E(2); *see also* 2014 Storm Water Permit, Section X(B). The objectives of the SWPPP requirements are to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. 1997 Storm Water Permit, Section A(2); 2014 Storm Water Permit, Section X(C). To ensure compliance with the Storm Water Permit, the SWPPP must be evaluated on an annual basis pursuant to the requirements of the Storm Water Permit. The SWPPP must also be revised as necessary to ensure compliance with the Storm Water Permit. 1997 Storm Water Permit, Sections A(9) and A(10); 2014 Storm Water Permit, Section X(B).

Sections A(3) – A(10) of the 1997 Storm Water Permit set forth the requirements for a SWPPP. Among other things, the SWPPP must include: a site map showing the facility boundaries, storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system(s), structural control measures, areas of actual and potential pollutant contact, and areas of industrial activity (*see* Section A(4)); a list of significant materials handled and stored at the site (*see* Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities; a description of significant spills and leaks, a list of all non-stormwater discharges and their sources; and a description of locations where soil erosion may occur (*see* Section A(6)). Sections A(7) and A(8) require an assessment of potential pollutant sources at the facility and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-stormwater discharges, including structural BMPs where non-structural BMPs are not effective.

The 2014 Storm Water Permit contains the same requirements. *See* 2014 Storm Water Permit, Section X(A)-(H). As with the 1997 Storm Water Permit, the 2014 Storm Water Permit requires dischargers to ensure that the SWPPP is developed to: (a) identify and evaluate all sources of pollutants that may affect the quality of storm water discharges and/or authorized non-stormwater discharges; (b) identify and describe the all BMPs implemented to reduce or prevent pollutants in storm water discharges and/or authorized non-stormwater discharges necessary to achieve compliance with permit terms; and (c) identify and describe conditions or circumstances which may require future revisions to be made to the SWPPP. 2014 Storm Water Permit, Section X(C)(1)(a-c).

Information available to Channelkeeper indicates that the County has been conducting and continues to conduct operations at the Facility with an inadequately developed, implemented, and/or revised SWPPP. For example, the County has failed and continues to fail to develop and/or implement a SWPPP that identifies all pollutant sources and associated pollutants, that contains adequate BMPs to prevent the exposure of pollutants to storm water and non-stormwater, and that contains adequate BMPs to prevent the subsequent discharge of polluted storm water and non-stormwater from the Facility. *See e.g.* 2014 SWPPP and 2015 SWPPP.

Further, the County has failed and continues to fail to revise or evaluate the SWPPP as necessary to develop and implement adequate BMPs. For example, there are inadequate or no BMPs for some pollutant sources, such as the tipping pad and transfer station. In addition, the County observes pollutants in storm water discharges and non-stormwater yet fails to develop and/or implement BMPs to address the pollutants and pollutant sources. In fact, County staff has repeatedly answered "no" to whether it has reviewed the SWPPP to assure that BMPs are adequate in reducing or preventing pollutants in storm water discharges and authorized non-stormwater discharges. *See e.g.* 2014-2015 Annual Report, Section H(6). The polluted storm water discharges evidence that the County has inadequately developed and/or implemented BMPs at the Facility. Sample results, as well as visual observations of BMPs, or the lack thereof, including observations conducted during rain events, should have put the County on notice that existing BMPs implemented under the current SWPPP are failing to prevent storm water and non-stormwater exposure to pollutants and subsequent polluted storm water and non-stormwater discharges.

As set forth above in section D, the County violates the Storm Water Permit every day the County operates with an inadequately developed, implemented, and/or revised SWPPP. *See* 1997 Storm Water Permit, Provision E.2, Section A, and Sections C(9) and (10); *see also* 2014 Storm Water Permit, Sections X(A)-(H). Every day the County operates the Facility with an inadequately developed, implemented, and/or revised SWPPP is a separate and distinct violation of the Storm Water Permit or the 2014 Storm Water Permit. The County has been in daily and continuous violation of the SWPPP requirements since at least October 8, 2010. These violations are ongoing, and Channelkeeper will include additional violations when additional information and data become available. The County is liable for all violations of the 1997 Storm Water Permit from October 8, 2010 through June 30, 2015, and is liable for its violations of the 2014 Storm Water Permit beginning on July 1, 2015 when that permit took effect.

E. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program in Violation of the Storm Water Permit.

Section B(1) and Provision E(3) of the 1997 Storm Water Permit, set forth at Sections X(I) and XI of the 2014 Storm Water Permit, require facility operators to develop and implement an adequate Monitoring and Reporting Program ("M&RP") by October 1, 1992, or when industrial activities begin at a facility, that meets all of the requirements of the Storm Water Permit. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* Storm Water Permit, Section B(2); *see also* Revised Storm Water Permit, Section XI. An adequate M&RP therefore ensures that BMPs are effectively reducing and/or eliminating pollutants at a facility, and is evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *See id.*

Channelkeeper's observations of the conditions at the County Transfer Station and review of the Annual Reports, SWPPP, and sampling data submitted by the County to the Regional Board demonstrate that the County has not developed, revised, and/or implemented an adequate M&RP that meets the requirements of the Storm Water Permit. Specific failures of the County's M&RP are described below.

1. Failure to Analyze Storm Water Samples as Required.

Section B(5)(c) of the 1997 Storm Water Permit requires all permittees to analyze their storm water samples for TSS, pH, specific conductance, and total organic carbon ("TOC") or O&G, and other toxic chemicals and pollutants that are likely to be in discharges in significant quantities. *See* 1997 Storm Water Permit, Section B(5)(c)(ii). Section XI(B)(6) of the 2014 Storm Water Permit requires permitees to analyze samples for TSS, O&G, and pH, and other pollutants associated with industrial operations. In addition, the 1997 Storm Water Permit, Table D, requires facilities conducting industrial activities associated with SIC code 5093 to analyze storm water samples for iron, lead, copper, zinc, Chemical Oxygen Demand ("COD"), and aluminum. Section XI(B)(6)(d) and Table 1 of the 2014 Storm Water Permit require facilities with SIC code 5093 to analyze samples for iron, lead, aluminum, zinc, and COD. In addition hazardous waste facilities classified under SIC code 4953 must analyze samples for NH_3, magnesium, COD, arsenic, cyanide, lead, mercury, selenium, and silver. *See id.* Toxic chemicals and other pollutants that are likely to be in discharges from the County Transfer Station include such pollutants as E. coli, total and fecal coliform, and copper. *See* 1997 Storm Water Permit, Section B(5)(c)(ii). Finally, the 2014 Storm Water Permit requires permitees that discharge into a 303(d) listed waterbody to analyze samples for parameters that the waterbody is listed as impaired for. *See* 2014 Storm Water Permit, Section XI(B)(6)(e); *see also* 2014 Storm Water Permit, Fact Sheet, ¶ 7. Here, the County discharges into Atascadero Creek, which is on the 303(d) list of impaired waterbodies. Thus, the additional parameters for Atascadero Creek that the County must analyze samples for include: chloride, dissolved oxygen, E.coli, enterococcus, fecal coliform, sodium, and temperature. *See* 2014 Storm Water Permit, Appendix 3, excel attachment. However, the 2015 SWPPP only identifies COD and copper as additional pollutants for which the County should be analyzing its storm water samples. *See* 2015 SWPPP, Section 7.2.

The County failed to collect and analyze samples for all of the required parameters associated with its industrial activities at the Facility. *See* 1997 Storm Water Permit, Section B(5) and Table D; *see also* 2014 Storm Water Permit, Table 1 and Appendix 3. Channelkeeper puts the County on notice that it violates the Storm Water Permit every day it operates without developing, implementing, and/or revising an M&RP that provides for analysis as required by the Storm Water Permit. These violations are ongoing and will continue every day the County operates without developing, implementing, and/or revising an M&RP that provides for sampling and analysis as required. Channelkeeper will include additional violations as information and data become available.

2. Failure to Sample Storm Water Discharge as Required.

The 1997 Storm Water Permit requires permittees to collect two (2) storm water discharge samples from a qualifying rain event,[11] as follows: 1) from all discharge locations, 2) during the first hour of discharge, 3) from the first storm event of the Wet Season,[12] and 4) from at least one other storm event in the Wet Season. 1997 Storm Water Permit, Section B(5)(a). The 2014 Storm Water Permit requires: 1) the collection of four (4) samples per year, two (2) samples from July 1-December 31, and two (2) samples from January 1 to June 30, 2) within four (4) hours of the start of a discharge, or the start of facility operations if the qualifying rain event[13] occurs within the previous 12-hour period, and 3) from each discharge location. 2014 Storm Water Permit, Section XI(B)(1-5). Sampling of stored or contained storm water is required when the storm water is released or discharged. 1997 Storm Water Permit, Section B(5)(a); 2014 Storm Water Permit, Section XI(B)(4)(b). The County has consistently failed to collect storm water samples as required. Specifically, the County does not collect storm water samples from each discharge location, from the first rain event of the season, during the first hour of discharge, and/or from two storm events each year.

In addition, information available to Channelkeeper also indicates that the County does not sample storm water that may be collected and/or stored on-site before it is released. Therefore, the County has been in continuous violation of the Storm Water Permit's M&RP requirements for failing to sample as required.

Channelkeeper puts the County on notice that it violates the Storm Water Permit every day it operates without developing, implementing, and/or revising an M&RP that provides for sampling as required by the Storm Water Permit. These violations are ongoing and will continue every day the County operates without developing, implementing, and/or revising an M&RP that provides for the required sampling and analysis. Channelkeeper will include additional violations as information and data become available.

3. Failure to Conduct Visual Observations As Required.

Section B(4) of the 1997 Storm Water Permit requires dischargers to conduct visual observations of storm water discharges at all discharge locations within the first hour of discharge from one storm event per month during the Wet Season. The 2014 Storm Water Permit requires visual observations at least once each month, and at the same time sampling occurs at a discharge location. 2014 Storm Water Permit, Section XI(A). Observations must document the presence of any floating and suspended material, O&G, discolorations, turbidity, odor and the source of any pollutants. 1997 Storm Water Permit,

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[11] A qualifying rain event is one where discharges occur during scheduled facility operating hours and are proceeded by at least three working days without storm water discharges. Storm Water Permit, Section B(5)(b).
[12] Defined as October 1-May 31. Storm Water Permit, Section B(4)(a).
[13] The 2014 Storm Water Permit defines a qualifying storm event as one that produces a discharge for at least one drainage area, and is preceded by 48-hours with no discharge from any drainage areas. *Id.* at XI(B)(1).

Section B(4)(c); 2014 Storm Water Permit, Section XI(A)(2). Dischargers must document and maintain records of observations, observation dates, locations observed, and responses taken to reduce or prevent pollutants in storm water discharges. 1997 Storm Water Permit, Section B(4)(c); 2014 Storm Water Permit, Section XI(A)(3).

Based on information available to Channelkeeper, the County consistently fails to properly conduct and/or document the required visual observations of storm water discharges within the first hour of discharge, from all discharge locations, and/or from one qualifying storm event per month. The County also failed to properly document and maintain records of observations and/or responses taken to reduce or prevent pollutants in storm water discharges.

Channelkeeper puts the County on notice that it violates the Storm Water Permit every day it operates the Facility without developing, implementing, and/or revising an M&RP that provides for the required visual observations. These violations are ongoing and will continue every day the County operates with an inadequately developed and/or implemented M&RP. Channelkeeper will include additional violations as information and data become available.

As set forth above in section E, the County violates the Storm Water Permit every day the County operates with an inadequately developed, implemented, and/or revised M&RP. *See* 1997 Storm Water Permit, Section B; *see also* Section XI(B) of the 2014 Storm Water Permit. The County has been in daily and continuous violation of the M&RP requirements every day since at least October 8, 2010. These violations are ongoing and will continue every day the County operates with an inadequately developed and/or implemented M&RP. The County is liable for all violations of the 1997 Storm Water Permit from October 8, 2010 through June 30, 2015, and is liable for its violations of the 2014 Storm Water Permit beginning on July 1, 2015 when that permit took effect.

B. <u>Failure to Comply With the Storm Water Permit's Reporting Requirements.</u>

Section B(14) of the 1997 Storm Water Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. Section XVI(A) of the 2014 Storm Water Permit requires the Annual Report be submitted no later than July 15 each year. The Annual Report must include, at a minimum, the following: 1) a summary of visual observations and sampling results; 2) an evaluation of the visual observation and sampling and analysis results and the laboratory reports; 3) the Annual Comprehensive Site Compliance Evaluation Report; and 4) an explanation of why the facility did not implement any activities required by the Permit. 1997 Storm Water Permit, Section B(14). The 2014 Storm Water Permit contains similar requirements including, a compliance checklist certifying compliance with all applicable requirements, an explanation for any non-compliance with any requirement, the identification of SWPPP revisions include page

numbers and/or sections, and the date(s) of the Annual Evaluation. 2014 Storm Water Permit, Section XVI(B)(1)-(4).

As part of the Annual Comprehensive Site Compliance Evaluation ("Annual Evaluation" or "ACSCE"), which must be included in the Annual Report, the facility operator shall, at a minimum, review all sampling data, observation and inspection records, and evaluate all of the BMPs to determine whether they are adequate, or whether SWPPP revisions are needed. *See* 1997 Storm Water Permit Section A(9). Under the 2014 Storm Water Permit, the Annual Evaluation must include, at a minimum, an inspection of all areas of industrial activity and potential pollutant sources to determine if pollutants are entering the storm water conveyance system, an inspection of all drainage areas previously identified as no exposure to industrial activities and materials per the Section XVII definitions, an inspection of equipment needed to implement BMPs, an inspection of BMPs, a review and assessment of the effectiveness of BMPs for each area of industrial activity and associated pollutant sources to determine if BMPs are properly designed, implemented, and effective in reducing and preventing pollutants in storm water and non-stormwater discharges, and an assessment of any other factors needed to comply with the requirements in Section XVI(B) of the 2014 Storm Water Permit. *See* 2014 Storm Water Permit, Section XV(A)-(G).

The Annual Report shall be signed and certified by a duly authorized representative, under penalty of law that the information submitted is true, accurate, and complete to the best of their knowledge. *See* 1997 Storm Water Permit, Sections B(14), C(9), and C(10); 2014 Storm Water Permit, Section XXI(K) and (L).

The County has consistently failed to submit Annual Reports that comply with the Storm Water Permit's reporting requirements. For example, the County certifies in the Annual Reports that: 1) a complete Annual Comprehensive Site Compliance Evaluation was done pursuant to Section A(9) of the Storm Water Permit; 2) the SWPPP's BMPs address existing potential pollutant sources; and 3) the SWPPP complies with the Storm Water Permit, or will otherwise be revised to achieve compliance. However, information available to Channelkeeper, including a review of the Regional Board's files and the Facility storm water sampling data, indicates that the County certifications are erroneous. The County has not developed and/or implemented required BMPs at the Facility, or made any revisions to the Facility SWPPP or M&RP, in response to observed violations and documented discharges of pollutants. These failures result in the ongoing discharge of storm water containing pollutant levels in violation of the Storm Water Permit limitations. Information available to Channelkeeper including the County's 2015 SWPPP and the 2014/2015 Annual Report, indicates that the County has not and will not remedy these reporting failures.

The County also failed and continues to fail to provide adequate explanations in the Annual Reports for non-compliance with the Storm Water Permit's terms. For instance, the County fails to explain why it did not conduct sampling and visual observations as required by the Permit. These reporting failures are ongoing and information available to

Channelkeeper indicates that the reporting requirement violations will continue under the 2014 Storm Water Permit.

Channelkeeper puts the County on notice that it violates the Storm Water Permit every day it fails to comply with the reporting requirements. These violations are ongoing and will continue every day the County operates without reporting as required. The County has been in daily and continuous violation of the reporting requirements every day since at least September XX, 2010. These violations are ongoing. The County is liable for all violations of the 1997 Storm Water Permit from October 8, 2010 through June 30, 2015, and is liable for its violations of the 2014 Storm Water Permit beginning on July 1, 2015 when that permit took effect.

III. Relief and Penalties Sought for Violations of the Clean Water Act.

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for each violation occurring during the period commencing five years prior to the date of a notice of intent to file suit letter. These provisions of law authorize civil penalties of up to $37,500 per day per violation for all Clean Water Act violations after January 12, 2009.

In addition to civil penalties, Channelkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), declaratory relief, and such other relief as permitted by law. Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), Channelkeeper will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

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IV. Conclusion.

Upon expiration of the 60-day notice period, Channelkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for the County's violations of the Storm Water Permit. During the 60-day notice period, however, Channelkeeper is willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions please contact Channelkeeper. Please direct all communications to Channelkeeper's legal counsel:

Daniel Cooper
Email: Daniel@Lawyersforcleanwater.com
Lawyers for Clean Water, Inc.
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San Francisco, CA 94129

Sincerely,

Kira Redmond
Executive Director
Santa Barbara Channelkeeper

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Santa Barbara County - Flood Control District

130 East Victoria Street, Santa Barbara, CA 93101
805.568.3440 - www.countyofsb.org/pwd

Official Daily Rainfall Record

Station Number: 211
Station Name: County Road Yard, Goleta
Nearest Landmark: Cathedral Oaks & El Sueno Rd
Latitude (dms): 342702 **Longitude (dms):** 1194625 **Elevation (ft):** 270
Current Observer: SBCFCD **Gauge Type:** Data Logger w/TB

Report Produced: 9/18/2014
Record Checked Through: 9/17/2014

Daily Rainfall amounts are recorded as of 8am for the previous 24 hours (PST). Days with no recorded rainfall have been omitted from this report. Rainfall units are expressed in inches. E = Data estimated from nearby gauge, S = Snowfall or snowmelt has affected daily rainfall total, P = Data has been prorated using nearby gauge data, PR = Preliminary data subject to verification, MT = Monthly total only.

Water Year: 2013-14

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1							0.53	0.22				
2							1.22	0.23				
3						0.16	0.01					
4							0.01					
7				0.21		0.30						
8				0.02								
11										0.01		
13										0.01		
17											0.01	
21			0.75									
23			0.01						0.05			
25												0.01
26								0.01				
27						1.47	0.15					
28						1.71						
29		0.06	0.35									
30		0.01										
	0.00	**0.07**	**1.11**	**0.23**	**0.00**	**3.64**	**1.92**	**0.46**	**0.05**	**0.02**	**0.01**	**0.01**

WY Total 7.52

Santa Barbara County - Flood Control District

130 East Victoria Street, Santa Barbara, CA 93101
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Water Year: 2012-13

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1				0.36				0.55	0.01			
2				0.23				0.02				
3				0.96						0.06		
5				0.01								
6	0.02				0.09				0.16			
7	0.05				0.13		0.16					
8							0.94					
9						0.02				0.05		
11		0.21										
13				0.20								
15				0.02						0.01		
16			0.01	0.06								
17			0.79	0.04						0.01		
18			0.83	0.29								
19				0.01								
20		0.01				0.19						
22											0.07	
23		0.01		0.15								
24				1.03	1.02			0.01				
25					0.38			0.08				
26				0.32	0.15							
27				0.03								
29			0.48	0.23								
30			0.41	0.06				0.01				
31							0.09					
	0.07	**0.23**	**2.52**	**4.00**	**1.77**	**0.21**	**1.19**	**0.67**	**0.17**	**0.13**	**0.07**	**0.00**

WY Total 11.03

Santa Barbara County - Flood Control District

130 East Victoria Street, Santa Barbara, CA 93101
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Official Daily Rainfall Record

Station Number: 211 **Report Produced:** 9/18/2014
Station Name: County Road Yard, Goleta **Record Checked Through:** 9/17/2014
Nearest Landmark: Cathedral Oaks & El Sueno Rd
Latitude (dms): 342702 **Longitude (dms):** 1194625 **Elevation (ft):** 270
Current Observer: SBCFCD **Gauge Type:** Data Logger w/TB

Daily Rainfall amounts are recorded as of 8am for the previous 24 hours (PST). Days with no recorded rainfall have been omitted from this report. Rainfall units are expressed in inches. E = Data estimated from nearby gauge, S = Snowfall or snowmelt has affected daily rainfall total, P = Data has been prorated using nearby gauge data, PR = Preliminary data subject to verification, MT = Monthly total only.

Water Year: 2011-12

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1								0.37	0.01			
4		0.01										0.01
5		0.48									0.03	0.01
6		0.44	0.28								0.01	
7						0.01						
8						0.06						
11								1.70				
12			0.66	0.68								
13			0.03	0.03				0.61				
14								0.50				
16						0.03				0.01		
17							1.70					
18							0.10					
20	0.01		0.53									
21	0.01	0.01	1.20		1.65							
22					0.01							
23		0.01			0.38			0.08				
24					0.30			0.01				
25							1.22	0.01				
26							0.52	0.29				
27								0.04				
	0.02	**0.95**	**2.70**	**0.71**	**2.34**	**0.10**	**3.54**	**3.61**	**0.01**	**0.01**	**0.04**	**0.02**

WY Total 14.05

Santa Barbara County - Flood Control District

130 East Victoria Street, Santa Barbara, CA 93101
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Station Name: County Road Yard, Goleta **Record Checked Through:** 9/17/2014
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Water Year: 2010-11

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1						0.01						
2					0.10		0.05					
3					1.03		0.22	0.02				
4		0.03						0.01				
5		0.01					0.01			0.23		
6		0.67		0.58						0.74		
7		0.01										
8			0.13					0.01				
15						0.10			0.13			
16		0.03				0.37						
17		0.10		0.12		0.20			0.24	0.01		
18		0.05		0.93		0.02			0.22	0.01		
19		0.21		2.91		1.36	0.14					
20		0.22	0.63	3.07		0.45	4.05					
21		0.02	0.34	0.39			2.33					
22		0.02	0.01	1.26			0.58					
23				0.11								
24			0.07				0.38					
25						0.04	0.80					
26				0.74		1.55						
27							0.10					
29				0.72								
30		0.89		0.04								
31					0.15						0.04	
	0.00	**2.26**	**1.18**	**10.87**	**1.28**	**4.10**	**8.66**	**0.04**	**0.59**	**0.99**	**0.04**	**0.00**

WY Total 30.01

Santa Barbara County - Flood Control District

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Daily Rainfall amounts are recorded as of 8am for the previous 24 hours (PST). Days with no recorded rainfall have been omitted from this report. Rainfall units are expressed in inches. E = Data estimated from nearby gauge, S = Snowfall or snowmelt has affected daily rainfall total, P = Data has been prorated using nearby gauge data, PR = Preliminary data subject to verification, MT = Monthly total only.

Water Year: 2009-10

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1								0.03				
2								0.01				
4							0.24					
5						0.90		0.47				
6						0.64					0.01	
7				0.70		0.40	0.52				0.01	
8				0.61								
9						0.15						
10						0.19						
11				0.67								
12				0.24				1.42				
13		0.06		1.03	0.44			0.03				
14		5.51		0.03								
15		0.12										
17									0.01			
18					1.18				0.14			
19					1.29				0.01			
20					0.70	0.12						
21					0.98			0.37				
22					1.45	0.02						
23					0.43			0.01				
24						0.01						
25						0.31						
27					0.27	2.00						
28						0.13						
29										0.04		
30				0.02								
31				0.03								
	0.00	**5.69**	**0.00**	**3.33**	**6.74**	**4.87**	**0.76**	**2.34**	**0.16**	**0.04**	**0.02**	**0.00**

WY Total 23.95

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective/Standard	Magnitude of WQO/WQS Exceedance
2010/2011 Wet Season								
10/6/10 7:02	Total Suspended Solids (TSS)	TS3	160	mg/L	100	1.6	see Basin Plan, §II.A.2.a	
10/6/10 7:02	Oil and Grease	TS3	8.7	mg/L	15	0	see Basin Plan, §II.A.2.a	
10/6/10 7:02	Electrical Conductivity @ 25 Deg. C	TS3	487	umhos/cm	200	2.44	see Basin Plan, §II.A.2.a	
10/6/10 7:02	Chemical Oxygen Demand (COD)	TS3	620	mg/L	120	5.17	see Basin Plan, §II.A.2.a	
10/6/10 7:02	pH	TS3	6.14	SU	6.0-9.0	0	7.0-8.3	7.2
10/6/10 7:02	Iron (Fe)	TS3	0.43	mg/L	1	0	see Basin Plan, §II.A.2.a	
10/6/10 7:02	Aluminum (Al)	TS3	ND	mg/L	0.75	0	see Basin Plan, §II.A.2.a	
10/6/10 7:02	Copper (Cu)	TS3	0.16	mg/L	0.0123	13.01	0.014	11.43
10/6/10 7:02	Lead (Pb)	TS3	ND	mg/L	0.069	0	0.082	
10/6/10 7:02	Zinc (Zn)	TS3	0.12	mg/L	0.11	1.09	0.12	0
10/6/10 7:02	Turbidity	TS3	80	NTU			see Basin Plan, §II.A.2.a	
10/6/10 7:02	Total Organic Carbon (TOC)	TS3	180	mg/L	100	1.8	see Basin Plan, §II.A.2.a	
2/16/11 6:48	Total Suspended Solids (TSS)	TS3	110	mg/L	100	1.1	see Basin Plan, §II.A.2.a	
2/16/11 6:48	Oil and Grease	TS3	5.8	mg/L	15	0	see Basin Plan, §II.A.2.a	
2/16/11 6:48	Electrical Conductivity @ 25 Deg. C	TS3	814	umhos/cm	200	4.07	see Basin Plan, §II.A.2.a	
2/16/11 6:48	Chemical Oxygen Demand (COD)	TS3	350	mg/L	120	2.92	see Basin Plan, §II.A.2.a	
2/16/11 6:48	pH	TS3	6.98	SU	6.0-9.0	0	7.0-8.3	1.05
2/16/11 6:48	Iron (Fe)	TS3	4.9	mg/L	1	4.9	see Basin Plan, §II.A.2.a	
2/16/11 6:48	Aluminum (Al)	TS3	2.9	mg/L	0.75	3.87	see Basin Plan, §II.A.2.a	
2/16/11 6:48	Copper (Cu)	TS3	0.034	mg/L	0.0123	2.76	0.014	2.43

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective/Standard	Magnitude of WQO/WQS Exceedance
2/16/11 6:48	Lead (Pb)	TS3	0.045	mg/L	0.069	0	0.082	0
2/16/11 6:48	Zinc (Zn)	TS3	0.33	mg/L	0.11	3.00	0.12	2.75
2/16/11 6:48	Total Organic Carbon (TOC)	TS3	100	mg/L	100	0	see Basin Plan, §II.A.2.a	
10/5/11 7:16	Total Suspended Solids (TSS)	TS3	420	mg/L	100	4.2	see Basin Plan, §II.A.2.a	
10/5/11 7:16	Oil and Grease	TS3	10	mg/L	15	0	see Basin Plan, §II.A.2.a	
10/5/11 7:16	Electrical Conductivity @ 25 Deg. C	TS3	1085	umhos/cm	200	5.43	see Basin Plan, §II.A.2.a	
10/5/11 7:16	Chemical Oxygen Demand (COD)	TS3	660	mg/L	120	5.5	see Basin Plan, §II.A.2.a	
10/5/11 7:16	pH	TS3	8.89	SU	6.0-9.0	0	7.0-8.3	3.9
10/5/11 7:16	Iron (Fe)	TS3	15	mg/L	1	15	see Basin Plan, §II.A.2.a	
10/5/11 7:16	Aluminum (Al)	TS3	8.8	mg/L	0.75	11.73	see Basin Plan, §II.A.2.a	
10/5/11 7:16	Copper (Cu)	TS3	0.11	mg/L	0.0123	8.94	0.014	7.86
10/5/11 7:16	Lead (Pb)	TS3	0.12	mg/L	0.069	1.74	0.082	1.46
10/5/11 7:16	Zinc (Zn)	TS3	1.3	mg/L	0.11	11.82	0.12	10.83
10/5/11 7:16	Total Organic Carbon (TOC)	TS3	140	mg/L	100	1.4	see Basin Plan, §II.A.2.a	
1/23/12 12:17	Total Suspended Solids (TSS)	TS3	370	mg/L	100	3.7	see Basin Plan, §II.A.2.a	
1/23/12 12:17	Oil and Grease	TS3	7.1	mg/L	15	0	see Basin Plan, §II.A.2.a	
1/23/12 12:17	Electrical Conductivity @ 25 Deg. C	TS3	160	umhos/cm	200	0	see Basin Plan, §II.A.2.a	
1/23/12 12:17	Chemical Oxygen Demand (COD)	TS3	560	mg/L	120	4.67	see Basin Plan, §II.A.2.a	
1/23/12 12:17	pH	TS3	6.14	SU	6.0-9.0	0	7.0-8.3	7.24
1/23/12 12:17	Iron (Fe)	TS3	14	mg/L	1	14	see Basin Plan, §II.A.2.a	

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective/Standard	Magnitude of WQO/WQS Exceedance
1/23/12 12:17	Aluminum (Al)	TS3	8.9	mg/L	0.75	11.87	see Basin Plan, §II.A.2.a	
1/23/12 12:17	Copper (Cu)	TS3	0.057	mg/L	0.0123	4.63	0.014	4.07
1/23/12 12:17	Lead (Pb)	TS3	0.094	mg/L	0.069	1.36	0.082	1.15
1/23/12 12:17	Zinc (Zn)	TS3	0.51	mg/L	0.11	4.64	0.12	4.25
1/23/12 12:17	Total Organic Carbon (TOC)	TS3	35	mg/L	100	0	see Basin Plan, §II.A.2.a	
2012/2013 Wet Season								
11/28/12 12:08	Total Suspended Solids (TSS)	TS3	1200	mg/L	100	12	see Basin Plan, §II.A.2.a	
11/28/12 12:08	Oil and Grease	TS3	4.8	mg/L	15	0	see Basin Plan, §II.A.2.a	
11/28/12 12:08	Electrical Conductivity @ 25 Deg. C	TS3	1104	umhos/cm	200	5.52	see Basin Plan, §II.A.2.a	
11/28/12 12:08	Chemical Oxygen Demand (COD)	TS3	1300	mg/L	120	10.83	see Basin Plan, §II.A.2.a	
11/28/12 12:08	pH	TS3	7.75	SU	6.0-9.0	0	7.0-8.3	0
11/28/12 12:08	Iron (Fe)	TS3	35	mg/L	1	35	see Basin Plan, §II.A.2.a	
11/28/12 12:08	Aluminum (Al)	TS3	21	mg/L	0.75	28	see Basin Plan, §II.A.2.a	
11/28/12 12:08	Copper (Cu)	TS3	0.2	mg/L	0.0123	16.26	0.014	14.29
11/28/12 12:08	Lead (Pb)	TS3	0.27	mg/L	0.069	3.91	0.082	3.29
11/28/12 12:08	Zinc (Zn)	TS3	1.5	mg/L	0.11	13.64	0.12	12.50
11/28/12 12:08	Total Organic Carbon (TOC)	TS3	190	mg/L	100	1.9	see Basin Plan, §II.A.2.a	
1/24/13 10:29	Total Suspended Solids (TSS)	TS3	320	mg/L	100	3.2	see Basin Plan, §II.A.2.a	
1/24/13 10:29	Oil and Grease	TS3	13	mg/L	15	0	see Basin Plan, §II.A.2.a	
1/24/13 10:29	Electrical Conductivity @ 25 Deg. C	TS3	737	umhos/cm	200	3.69	see Basin Plan, §II.A.2.a	
1/24/13 10:29	Chemical Oxygen Demand (COD)	TS3	600	mg/L	120	5	see Basin Plan, §II.A.2.a	

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective/Standard	Magnitude of WQO/WQS Exceedance
1/24/13 10:29	pH	TS3	8.1	SU	6.0-9.0	0	7.0-8.3	0
1/24/13 10:29	Iron (Fe)	TS3	13	mg/L	1	13	see Basin Plan, §II.A.2.a	
1/24/13 10:29	Aluminum (Al)	TS3	8.7	mg/L	0.75	11.6	see Basin Plan, §II.A.2.a	
1/24/13 10:29	Copper (Cu)	TS3	0.59	mg/L	0.0123	47.97	0.014	42.14
1/24/13 10:29	Lead (Pb)	TS3	0.06	mg/L	0.069	0	0.082	0
1/24/13 10:29	Zinc (Zn)	TS3	0.5	mg/L	0.11	4.55	0.12	4.17
1/24/13 10:29	Total Organic Carbon (TOC)	TS3	170	mg/L	100	1.7	see Basin Plan, §II.A.2.a	
2/6/14 16:09	Total Suspended Solids (TSS)	TS3	440	mg/L	100	4.4	see Basin Plan, §II.A.2.a	
2/6/14 16:09	Oil and Grease	TS3	4	mg/L	15	0	see Basin Plan, §II.A.2.a	
2/6/14 16:09	Electrical Conductivity @ 25 Deg. C	TS3	1.288	umhos/cm	200	0	see Basin Plan, §II.A.2.a	
2/6/14 16:09	Chemical Oxygen Demand (COD)	TS3	900	mg/L	120	7.5	see Basin Plan, §II.A.2.a	
2/6/14 16:09	pH	TS3	8.4	SU	6.0-9.0	0	7.0-8.3	1.3
2/6/14 16:09	Iron (Fe)	TS3	15	mg/L	1	15	see Basin Plan, §II.A.2.a	
2/6/14 16:09	Aluminum (Al)	TS3	12	mg/L	0.75	16	see Basin Plan, §II.A.2.a	
2/6/14 16:09	Copper (Cu)	TS3	0.094	mg/L	0.0123	7.64	0.014	6.71
2/6/14 16:09	Lead (Pb)	TS3	0.081	mg/L	0.069	1.17	0.082	0
2/6/14 16:09	Zinc (Zn)	TS3	0.59	mg/L	0.11	5.36	0.12	4.92
2/6/14 16:09	Total Organic Carbon (TOC)	TS3	250	mg/L	100	2.5	see Basin Plan, §II.A.2.a	
12/2/14 12:15	Total Suspended Solids (TSS)	TS3	420	mg/L	100	4.2	see Basin Plan, §II.A.2.a	

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective/Standard	Magnitude of WQO/WQS Exceedance
12/2/14 12:15	Oil and Grease	TS3	2.2	mg/L	15	0	see Basin Plan, §II.A.2.a	
12/2/14 12:15	Electrical Conductivity @ 25 Deg. C	TS3	2320	umhos/cm	200	11.6	see Basin Plan, §II.A.2.a	
12/2/14 12:15	Chemical Oxygen Demand (COD)	TS3	320	mg/L	120	2.67	see Basin Plan, §II.A.2.a	
12/2/14 12:15	pH	TS3	7.82	SU	6.0-9.0	0	7.0-8.3	0
12/2/14 12:15	Iron (Fe)	TS3	7.9	mg/L	1	7.9	see Basin Plan, §II.A.2.a	
12/2/14 12:15	Aluminum (Al)	TS3	5.5	mg/L	0.75	7.33	see Basin Plan, §II.A.2.a	
12/2/14 12:15	Lead (Pb)	TS3	0.039	mg/L	0.069	0	0.082	0
12/2/14 12:15	Zinc (Zn)	TS3	0.25	mg/L	0.11	2.27	0.12	2.08
4/7/15 13:05	Total Suspended Solids (TSS)	TS3	950	mg/L	100	9.5	see Basin Plan, §II.A.2.a	
4/7/15 13:05	Oil and Grease	TS3	19	mg/L	15	1.27	see Basin Plan, §II.A.2.a	
4/7/15 13:05	Electrical Conductivity @ 25 Deg. C	TS3	1600	umhos/cm	200	8	see Basin Plan, §II.A.2.a	
4/7/15 13:05	Chemical Oxygen Demand (COD)	TS3	1100	mg/L	120	9.17	see Basin Plan, §II.A.2.a	
4/7/15 13:05	pH	TS3	7.37	SU	6.0-9.0	0	7.0-8.3	0
4/7/15 13:05	Iron (Fe)	TS3	26	mg/L	1	26	see Basin Plan, §II.A.2.a	
4/7/15 13:05	Aluminum (Al)	TS3	18	mg/L	0.75	24	see Basin Plan, §II.A.2.a	
4/7/15 13:05	Lead (Pb)	TS3	0.19	mg/L	0.069	2.75	0.082	2.32
4/7/15 13:05	Zinc (Zn)	TS3	1.2	mg/L	0.11	10.91	0.12	10.00
SAMPLING CONDUCTED BY SANTA BARBARA CHANNELKEEPER								
12/2/14 9:30	Total Suspended Solids (TSS)	Lower Driveway drop inlet-TS-2	800	mg/L	100	8	see Basin Plan, §II.A.2.a	
12/2/14 9:30	Oil and Grease	Lower Driveway drop inlet-TS-2	11	mg/L	15	0	see Basin Plan, §II.A.2.a	
12/2/14 9:30	Specific Conductance	Lower Driveway drop inlet-TS-2	301	umhos/cm	200	1.51	see Basin Plan, §II.A.2.a	

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective/Standard	Magnitude of WQO/WQS Exceedance
12/2/14 9:30	pH	Lower Driveway drop inlet-TS-2	5.8	SU	6.0-9.0	2.0	7.0-8.3	15.8
12/2/14 9:30	Aluminum (Al)	Lower Driveway drop inlet-TS-2	1.5	mg/L	0.75	2	see Basin Plan, §II.A.2.a	
12/2/14 9:30	Copper (Cu)	Lower Driveway drop inlet-TS-2	0.026	mg/L	0.0123	2.11	0.014	1.86
12/2/14 9:30	Lead (Pb)	Lower Driveway drop inlet-TS-2	0.0106	mg/L	0.069	0	0.082	0
12/2/14 9:30	Zinc (Zn)	Lower Driveway drop inlet-TS-2	0.09	mg/L	0.11	0	0.12	0
2/7/15 0:00	Total Suspended Solids (TSS)	Upper Driveway drop inlet-TS-1	108	mg/L	100	1.08	see Basin Plan, §II.A.2.a	
2/7/15 0:00	Aluminum (Al)	Upper Driveway drop inlet-TS-1	0.74	mg/L	0.75	0	see Basin Plan, §II.A.2.a	
2/7/15 0:00	Copper (Cu)	Upper Driveway drop inlet-TS-1	0.025	mg/L	0.0123	2.03	0.014	1.79
2/7/15 0:00	Lead (Pb)	Upper Driveway drop inlet-TS-1	0.0165	mg/L	0.069	0	0.082	0
2/7/15 0:00	Zinc (Zn)	Upper Driveway drop inlet-TS-1	0.1	mg/L	0.11	0	0.12	0
2/7/15 0:00	Escherichia coli (E. coli)	Upper Driveway drop inlet-TS-1	15531	MPN/100 ml	none	0	576	26.96
2/7/15 0:00	Total Coliform	Upper Driveway drop inlet-TS-1	>24192	MPN/100 ml	none	0	400	>60
2/7/15 0:00	Total Suspended Solids (TSS)	Lower Driveway drop inlet-TS-2	130	mg/L	100	1.3	see Basin Plan, §II.A.2.a	
2/7/15 0:00	Aluminum (Al)	Lower Driveway drop inlet-TS-2	4.3	mg/L	0.75	5.73	see Basin Plan, §II.A.2.a	
2/7/15 0:00	Copper (Cu)	Lower Driveway drop inlet-TS-2	0.028	mg/L	0.0123	2.28	0.014	2.00
2/7/15 0:00	Lead (Pb)	Lower Driveway drop inlet-TS-2	0.0198	mg/L	0.069	0	0.082	0
2/7/15 0:00	Zinc (Zn)	Lower Driveway drop inlet-TS-2	0.14	mg/L	0.11	1.27	0.12	1.17
2/7/15 0:00	Escherichia coli (E. coli)	Lower Driveway drop inlet-TS-2	9804	MPN/100 ml	none	0	576	17.02
2/7/15 0:00	Total Coliform	Lower Driveway drop inlet-TS-2	>24192	MPN/100 ml	none	0	400	>60

ND= Not Present above Detection Level Used